

Final Environmental Impact Report and Environmental Assessment

Response to Comments

Imperial Solar Energy Center South

SCH# 2010061038

Conditional Use Permit: CUP #10-0011

Variance: #V10-0006

BLM Right-of-Way CACA-51645/CACA-52359

EA Number: 2010-64/2011-0007

98



Final EIR/EA Response to Comments

for the

Imperial Solar Energy Center South

SCH #2010061038

Conditional Use Permit: CUP #10-0011

Variance: #V10-0006

BLM Right-of-Way: CACA-51645/CACA-52359

EA Number: 2010-64/2011-0007

prepared for

County of Imperial
801 Main Street
El Centro, CA 92243

and

Bureau of Land Management
1661 South 4th Street
El Centro, CA 92243

prepared by

BRG Consulting, Inc.
304 Ivy Street
San Diego, CA 92101

April 2011

Index of Comments on Draft EIR & Responses

The Draft EIR for the Imperial Solar Energy Center South project was circulated for public review and comment for a period of 50 days, from December 3, 2010 to January 25, 2011. The following agencies, organizations, and persons provided written comments on the Draft EIR during public review. A copy of each comment letter along with corresponding responses is included in a “side by side” format to facilitate review. The specific comments and the corresponding responses have each been given an alphanumeric reference. The Final EIR/EA includes revisions including clarifications and corrections. The Final EIR/EA includes revisions, including clarifications, corrections, and updated information based on these comments. These revisions to the original text are made in restatement (clean) format instead of in strikeout/underline format in order to enhance the quality of public and decision-maker review.

Letter	Author	Address	Date	Representing	Page No. of Letter
<i>Federal/State Agencies</i>					
A	Terry Roberts Director	1400 Tenth Street P.O. Box 3044 Sacramento, CA 95812	January 20, 2011	Governor’s Office of Planning and Research State Clearinghouse and Planning Unit	RTC-1
B	Jacob B. Armstrong Chief	4050 Taylor Street, M.S. 240 San Diego, CA 92110	January 18, 2011	Department of Transportation District 11, Division of Planning	RTC-7
C	Al Shami Project Manager	5796 Corporate Avenue Cypress, CA 90630	January 13, 2011	Department of Toxic Substances Control	RTC-9
D	Dave Singleton Program Analyst	915 Capitol Mall, Room 364 Sacramento, CA 95814	December 27, 2010	Native American Heritage Commission	RTC-13
<i>Local Agencies</i>					
E	William S. Brunet, PE Director of Public Works Manuel Ortiz Assistant County Engineer	155 S. 11 th Street El Centro, CA 92243	November 17, 2010	County of Imperial Department of Public Works	RTC-18
F	Connie L. Valenzuela Agricultural Commissioner	852 Broadway El Centro, CA 92243	January 25, 2011	Agricultural Commissioner Sealer of Weights and Measures	RTC-22
G	Linsey J. Dale Executive Director	1000 Broadway El Centro, CA 92243	January 25, 2011	Imperial County Farm Bureau	RTC-24

H	Donald Vargas Environmental Specialist	PO BOX 937 Imperial, CA 92251	January 18, 2011	Imperial Irrigation District Environmental, Regulatory and Emergency Planning	RTC-27
I	Belen Leon APC Environmental Coordinator	150 South Ninth Street El Centro, CA 92243	December 17, 2010	Air Pollution Control District Imperial County	RTC-35
<i>Organizations</i>					
J	Bridget R. Nash- Chrabascz Quechan Tribe Preservation Officer	PO BOX 1899 Yuma, AZ 85366	January 4, 2011	Quechan Indian Tribe	RTC-37
K	Tom Buttgenbach, Ph.D. President	10100 Santa Monica Blvd., Suite 300 Los Angeles, CA 90067	December 16, 2010	8minutenergy Renewables LLC	RTC-40
<i>Individuals</i>					
L	Donna Tisdale	PO BOX 1275 Boulevard, CA 91905	January 5, 2011	Individual	RTC-41

Comment Letter A



JERRY BROWN
GOVERNOR

January 20, 2011

Patricia Valenzuela
Imperial County
801 Main Street
El Centro, CA 92243

Subject: Imperial Solar Energy Center South
SCH#: 2010061038

Dear Patricia Valenzuela:

The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 19, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RECEIVED

JAN 24 2011

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

RESPONSE TO COMMENT LETTER FROM GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, SIGNED BY TERRY ROBERTS, DIRECTOR, DATED JANUARY 20, 2011 (COMMENT LETTER A)

Response to Comment A-1:

This letter acknowledges that the County of Imperial has complied with the State Clearinghouse public review requirements for the Imperial Solar Energy Center South Project Draft EIR, pursuant to the California Environmental Quality Act.

Also, this letter transmits comment letters received from state agencies during the Draft EIR public review period. Responses to State-agency comments are provided in Responses to Comments B-1 through B-7, C-1 through C-9, and D-1 through D-9.

A-1

Comment Letter A
Attachment

in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, 4 & 5, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as

2

Comment Letter A
Attachment

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 384
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

Arnold Schwarzenegger, Governor

clerk: 1/19/2011
e

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DEC 29 2010
STATE CLEARING HOUSE

December 27, 2010

Mr. Patrick Valenzuela, Planner III

Imperial County Planning & Development Services

Department

801 Main Street
El Centro, CA 92243

RE: SCH#2010061038: CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the Imperial Solar Energy Center South Project : 120 feet wide BLM Right of Way : located on 946.6 acres of private land with a connection to the Imperial Valley Substation on U.S. Bureau of Land Management property: southwest of the City of El Centro near Mt. Signal (92231) and Pullman & Anza Road and flush with the U.S. - Mexico International Boundary, Imperial County, California

Dear Mr. Valenzuela:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources **were NOT identified within one-half mile of several of the Area of Potential Effect (APE)**. Also, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Enclosed a list with the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties

Comment Letter A
AttachmentDocument Details Report
State Clearinghouse Data Base

SCH#	2010061038		
Project Title	Imperial Solar Energy Center South		
Lead Agency	Imperial County		

Type	JD	Joint Document	
Description	Note: Joint Document - EIR/EA		

Development of a solar energy center on 946.6 gross acres of privately-owned undeveloped and agricultural lands. Project would include a facility consisting of a ground mounted photovoltaic solar power generating system, supporting structures, operations and maintenance building, substation, water treatment facility, plant control system, meteorological station, and roads and fencing. The electric generating facility would connect to the Imperial Valley Substation via 230 kV transmission lines. The Imperial Valley Substation is isolated by federal lands managed by the Bureau of Land Management (BLM). The project plants a 12-foot-wide Right-of-Way from the project site, along BLM land to the Imperial Valley Substation. The project proponent is also requesting construction and operational access to the solar energy facility via use of an existing dirt road located along the west side of the Westside Main Canal, located within BLM lands. This road will be viewed by five additional feet and upgraded.

Lead Agency Contact

Name	Patricia Valenzuela		
Agency	Imperial County		
Phone	760-482-4320	Fax	760-353-8338
email			
Address	801 Main Street		
City	El Centro	State	CA Zip 92243

Project Location

County	Imperial		
City			
Region			
Lat / Long	32° 39' 41.4" N / 115° 39' 40.2" W		
Cross Streets	Cook Road and Pulliam Road		
Parcel No.	052-190-021,022,022,033,034,037		
Township	17S	Range	13E Section 20 Base

Proximity to:

Highways	SR-98
Airports	no
Railways	no
Waterways	Westside Main Canal and All American Canal
Schools	no
Land Use	Agriculture/General Agriculture (A-2R) and Heavey Agriculture (A-3)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 7; Department of Toxic Substances Control; California Energy Commission; Native

Note: Blanks in data fields result from insufficient information provided by lead agency.

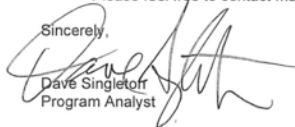
Comment Letter A
Attachment

'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 Senate Bill 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Document Details Report
State Clearinghouse Data Base

Comment Letter A
Attachment

American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 12/06/2010 *Start of Review* 12/06/2010 *End of Review* 01/19/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter B

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING
4050 TAYLOR ST., M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*Flex your power!
Be energy efficient!*

January 18, 2011

11-IMP-98
PM 23.09
Imperial Solar Energy Center South
DEIR – SCH #2010061038

Patricia Valenzuela
Imperial County
Planning and Development Services
801 Main Street
El Centro, CA 92243

Dear Ms. Valenzuela:

The California Department of Transportation (Caltrans) received a copy of the Draft Environmental Impact Report (DEIR) for the proposed Imperial Solar Energy Center South project (SCH #2010061038) located near State Route 98 (SR-98). Caltrans has the following comments:

Visual aspects of the project including glint and glare should be documented not to have any potential impacts to motorists driving on SR-98.

It is understood by our agency that the project will only access SR-98 from existing county roads or a permitted highway access location.

The DEIR identifies that the project is proposing a transmission line that will connect to the Imperial Valley Substation. Please refer to Caltrans Encroachment Permits Manual (http://www.dot.ca.gov/hq/trafficops/developserv/permits/encroachment_permits_manual/index.html) for guidance on utility encroachment. The following information is contained in Chapter 600, Table 6.7 (page 6-35) of the Encroachment Permit Manual. Line supports for overhead lines crossing freeways must comply with these requirements, they:

1. Should have a minimum lateral clearance of 30' from the edge of a through lane and 30' from the edge of a ramp lane, when possible.
2. Shall be located outside the right-of-way (R/W) or between the R/W line and access control line if different. Any other placement must be approved by the Division of Design, Chief.
3. Should not be permitted in medians.
4. Should not be permitted on cut or fill slopes.
5. Shall not impair sight distances.
6. Shall be compatible with access requirements.

"Caltrans improves mobility across California"

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TRANSPORTATION, SIGNED BY JACOB M. ARMSTRONG, CHIEF, DEVELOPMENT REVIEW BRANCH, DATED JANUARY 18, 2011 (COMMENT LETTER B)

Response to Comment B-1:

A visual analysis of the potential impacts associated with the proposed project was conducted and is provided in EIR/EA Sections 3.1 and 4.1. The visual analysis included the preparation of computer-generated photo simulations of the proposed transmission lines as viewed from several locations located along SR-98. No visual impact has been identified. Furthermore, the proposed solar energy facility site will not be readily visible from SR-98 due to the flat topography and distance (over ½ mile) from the site. As discussed on EIR/EA page 4.1-8, the proposed photovoltaic modules are non-reflective (would not create a source of glare during sunlight hours), nor would any portion of the project be constructed of highly-reflective materials. No glare impact has been identified.

Response to Comment B-2:

EIR/EA Figures 4.3-1 through 4.3-5 depict the anticipated traffic distribution for the project. As shown, a majority of the traffic is anticipated to arrive at the site from Pulliam Road via SR-98. Access to the western side of the solar fields (i.e., west of the Westside Main canal) will be taken from SR-98 along an improved version of the existing IID maintenance access road, which is located along the western edge of the Westside Main Canal.

Response to Comment B-3:

The County and project Applicant recognize that an encroachment permit would be required for any work performed within Caltrans right-of-way. This is identified on EIR/EA page 2-53 which lists a California Department of Transportation - Encroachment Permit as a potential approval needed for project implementation. Furthermore, the project Applicant is aware of, and will comply with, encroachment permit requirements.

Comment Letter B
(cont'd.)

Ms. Valenzuela
January 18, 2011
Page 2

Any traffic control will need to be addressed as part of Caltrans permit approval. Stoppage of traffic for placement of aerial lines, installation or removal of overhead conductors crossing a highway requires traffic control in accordance with policy shown in the Caltrans Standard Plans and the California Manual on Uniform Traffic Control Devices (MUTCD).

B-4

Any work performed within Caltrans R/W must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits

B-5

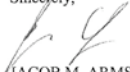
Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

B-6

If you have any questions on the comments Caltrans has provided, please contact Leila Ibrahim of the Development Review Branch at (619) 688-6954.

B-7

Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch

c: Armando G. Villa, Imperial County

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TRANSPORTATION, SIGNED BY JACOB M. ARMSTRONG, CHIEF, DEVELOPMENT REVIEW BRANCH, DATED JANUARY 18, 2011 (COMMENT LETTER B) (continued)

Response to Comment B-4:

Comment noted. The project Applicant is aware of, and will comply with, traffic control requirements in accordance with the policy shown in the Caltrans Standard Plans and the California Manual on Uniform Traffic Control Devices.

Response to Comment B-5:

Comment noted.

Response to Comment B-6:

Comment noted.

Response to Comment B-7:

Comment noted.

"Caltrans improves mobility across California"

Comment Letter C



January 13, 2011

Ms. Patricia Valenzuela
County of Imperial Planning and Development
801 Main Street
El Centro, California 92243

NOTICE OF COMPLETION AND ENVIRONMENTAL IMPACT REPORT (EIR) FOR
IMPERIAL SOLAR ENERGY CENTER SOUTH (SCH# 2010061038)

Dear Ms. Valenzuela:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "Development of a solar energy center on 946.6 gross acres of privately owned, undeveloped and agricultural lands. Project would include a facility consisting of a ground mounted photovoltaic solar power generating system, supporting structures, operations and maintenance building, substation, water treatment facility, plant control system, meteorological station, and roads and fencing. The electric generating facility would connect to the Imperial Valley Substation via 230 kV transmission lines. The Imperial Valley Substation is isolated by federal lands managed by the Bureau of Land Management. The project plans a 120 foot wide Right of Way from the project site, along BLM land to the Imperial Valley Substation. The project proponent is also requesting construction and operational access to the solar energy facility via use of an existing dirt road located along the west side of the Westside Main Canal, located within BLM lands. This road will be widened by five additional feet and upgraded".

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

C-Intro

C-1

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL, SIGNED BY AL SHAMI, PROJECT MANAGER, DATED JANUARY 13, 2011 (COMMENT LETTER C)

Response to Comment C-Intro:

This is an introductory comment that acknowledges DTSC's receipt of the Draft EIR/EA and summarizes the project. No further response is necessary.

Response to Comment C-1:

EIR/EA Sections 3.10 Health, Safety and Hazardous Materials/Fire and Fuels Management, addresses whether conditions in the project area may pose a threat the human health or the environment. A Phase I Environmental Site Assessment (ESA) (EIR/EA Appendix G), which included research and review of applicable regulatory databases was prepared for the project site and the findings are summarized in the EIR/EA. The proposed project site is not listed in any of the environmental databases search as part of the Phase I ESA.

Comment Letter C
(cont'd.)

Ms. Patricia Valenzuela
January 13, 2011
Page 2

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- C-1
(cont'd.)
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- C-2
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- C-3

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL, SIGNED BY AL SHAMI, PROJECT MANAGER, DATED JANUARY 13, 2011 (COMMENT LETTER C) (continued)

Response to Comment C-2:

The proposed project site is not included on a list of hazardous materials sites based on the ASTM Standard Practice E2247-08. Furthermore, low concentrations of agricultural chemicals are present on the project site; for all these reasons, the impact to the public and the environment as a result of any potential presence of agricultural chemicals on the project site is considered minimal (see EIR/EA page 4.10-3).

Response to Comment C-3:

A Phase I ESA was performed for the project site and findings and recommendations are summarized in the EIR/EA (see Sections 3.10 and 4.10 – Health, Safety and Hazardous Materials/Fire and Fuels Management).

Comment Letter C
(cont'd.)

Ms. Patricia Valenzuela
January 13, 2011
Page 3

- | | |
|---|-----|
| <p>4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.</p> | C-4 |
| <p>5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.</p> | C-5 |
| <p>6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.</p> | C-6 |
| <p>7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.</p> | C-7 |
| <p>8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.</p> | C-8 |

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL, SIGNED BY AL SHAMI, PROJECT MANAGER, DATED JANUARY 13, 2011 (COMMENT LETTER C) (continued)

Response to Comment C-4:

No demolition is proposed at the project site in order to implement the proposed project.

Response to Comment C-5:

Please refer to Response to Comment C-2.

Response to Comment C-6:

Please refer to Response to Comment C-2. Additionally, the potential health risk associated with diesel-related toxic emissions was evaluated (see EIR/EA page 4.4-9). Screen3 modeling was conducted. All criteria pollutants are estimated to be below the CARB-recommended level of one in a million per ug/m3.

Response to Comment C-7:

Operation of the solar facility would involve minimal and routine use and storage of hazardous materials and hazardous waste. All storage, handling, transport, emission and disposal of hazardous substances will be in full compliance with local, State, and Federal regulations including California Health and Safety Code, Division 20, Chapter 6.5 and California Code of Regulations, Title 22, Division 4.5, as referenced in this comment.

Response to Comment C-8:

Comment noted.

Comment Letter C
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC
SUBSTANCES CONTROL, SIGNED BY AL SHAMI, PROJECT MANAGER,
DATED JANUARY 13, 2011 (COMMENT LETTER C) (continued)

Ms. Patricia Valenzuela
January 13, 2011
Page 4

If you have any questions regarding this letter, please contact me at
ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3101

} C-9

Response to Comment C-9:
Comment noted.

Comment Letter D

STATE OF CALIFORNIA
 NATIVE AMERICAN HERITAGE COMMISSION
 915 CAPITOL MALL, ROOM 264
 SACRAMENTO, CA 95814
 (916) 557-5251
 Fax (916) 557-5390
 Web Site: www.nahc.ca.gov
 e-mail: ds_nahc@pachbol.net

clear 1/16/2011
 e

December 27, 2010

Mr. Patrick Valenzuela, Planner III
**Imperial County Planning & Development Services
 Department**
 801 Main Street
 El Centro, CA 92243

RE: SCH#2010061038; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Imperial Solar Energy Center South Project; 120 feet wide BLM Right of Way; located on 946.6 acres of private land with a connection to the Imperial Valley Substation on U.S. Bureau of Land Management property; southwest of the City of El Centro near Mt. Signal (92231) and Pullman & Anza Road and flush with the U.S. - Mexico International Boundary; Imperial County, California

Dear Mr. Valenzuela:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 504). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were NOT identified within one-half mile of several of the Area of Potential Effect (APE). Also, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Enclosed a list with the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM MANAGER, DATED DECEMBER 27, 2010 (COMMENT LETTER D)

Response to Comment D-1:

The County recognizes that the Native American Heritage Commission (NAHC) is the state "trustee agency" pursuant to CEQA as it relates to Native American cultural resources and understands CEQA and CEQA Guidelines guidance as it relates to cultural resources potentially impacted by any project.

EIR/EA Sections 3.7, 4.7 and 5.0 (Cumulative Impacts) address the proposed project's potential impact to cultural resources. Archaeological surveys have been conducted for the proposed project, including the solar energy facility site and proposed transmission line corridor.

Response to Comment D-2:

As described on EIR/EA page 3.7-10:

A Sacred Lands File search request was submitted to the NAHC on October 6, 2010. The response letter dated October 12, 2010, established that the Sacred Lands File (SLF) search for the project area failed to indicate the presence of Native American cultural resources in the immediate project area. The letter indicated consultation as the best way to avoid unanticipated discoveries. A list of contacts for adjacent tribes was enclosed. Specifically, the letter recommended contacting Carmen Lucas for insight regarding specific information about the cultural resources located in the project area.

Archaeological surveys have identified cultural resources sites within the project's area of potential effect (APE) (see EIR/EA Section 3.7).

Additionally, early consultation with Native American tribes has been conducted. This consultation process is described on EIR/EA pages 3.7-19 and 8-4.

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM MANAGER, DATED DECEMBER 27, 2010 (COMMENT LETTER D) (continued)

Response to Comment D-3:

Consultation has been conducted with each of the tribes listed in this comment. See EIR/EA pages 3.7-19 and 8-4 through 8-6. Specifically as stated on EIR/EA page 3.7-19:

Native American Consultation

With the filing of the Imperial Valley Solar Energy Center South application for a ROW, the BLM, as the lead federal agency, invited tribes into consultation pursuant to the Executive Memorandum of April 29th, 1994, as well as other relevant laws and regulations, including Section 106 of the NHPA. To date, fifteen Native American tribes have been identified and invited to consult on this project. The BLM invited the tribes into government-to-government consultation by letter on 6/24/2010. The BLM has received responses from the Fort Yuma Quechan Tribe and the Cocopah Indian Tribe indicating their interest in the project and their desire to continue consultation. The BLM, El Centro Field Office Archaeologist also received a phone call and discussed the project with Ms. Carmen Lucas of the Kwaaymii Laguna Band of Mission Indians. She requested additional information regarding the project and will continue to be consulted. The BLM is continuing to provide updates on the status of the environmental review process and the Section 106 process, invite the tribes into government-to-government consultation, and request their help in identifying any issues or concerns. The cultural resource inventory reports were sent to all tribes for their review and comment on November 1, 2010. The letter included with the reports also invited Tribes to a meeting and archaeological sites visit to be held in El Centro on November 16, 2010. The meeting presented information to the tribes regarding the proposed project and provided an opportunity for Tribes to ask questions and express their concerns regarding the proposed project. There have also been two additional letters and a meeting since November 16. A letter dated December 14, 2010 informed tribes of the release of the Draft EA/EIR, the comment period, and where they could comment. A letter dated January 31, 2011 informed the tribes that BLM is proposing to develop a MOA to resolve adverse effects to historic properties and invited the tribes to a consulting party meeting. The consulting party meeting was held in El Centro on February 23, 2011 and discussed the development of a MOA. Representatives from the Cocopah Indian Tribe, Manzanita Band of Kumeyaay Indians, and the Fort Yuma Quechan Tribe attended the meeting. The consultation process is still ongoing.

Comment Letter D
(cont'd.)

in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] et seq.), 38 CFR Part 800.3, 4 & 5, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq.) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as

D-3
(cont'd.)

D-4

D-5

D-6

D-7

D-8

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM MANAGER, DATED DECEMBER 27, 2010 (COMMENT LETTER D) (continued)

Response to Comment D-4:

Comment noted. The archaeological survey included a records search from the South Coastal Information Center (SCIC) that provided information regarding whether previous surveys have been conducted in the area of potential effect, what resources might be expected, and whether any cultural resources have been recorded within the project limits.

Response to Comment D-5:

Early consultation with Native American tribes has been conducted in accordance with applicable federal, state, and local regulations. The consultation process conducted for this project is described on EIR/EA pages 3.7-19 and 8-4 through 8-4. Please also refer to Response to Comment D-3.

Response to Comment D-6:

The project Applicant, County and BLM have emphasized avoidance of cultural resources where feasible. Nineteen cultural resources sites have been identified within the project's APE. Of those 19 sites, 17 sites will not be directly impacted by the proposed project. Furthermore, where direct impacts have been identified, Mitigation Measure CR1 is proposed which includes an emphasis on avoidance where feasible. Mitigation Measure CR1 (a) (1) states, "Avoidance of the resource through project redesign in a manner that is technically possible, operationally possible, does not cause a new significant environmental impact or increase the severity of a significant environmental impact, and does not cause the loss of more than 1 MW of production."

The potential for accidental discovery of human remains is also addressed in the EIR/EA. Mitigation Measure CR4 is proposed to ensure that potential project impacts to previously unknown human remains do not rise to a level of significance.

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM MANAGER, DATED DECEMBER 27, 2010 (COMMENT LETTER D) (continued)

Response to Comment D-6: (cont'd.)

Mitigation Measure CR4 states:

CR4	If human remains are discovered, work will be halted in that area, and the procedures set forth in the CEQA Guidelines Sec. 15064.5 (d) and (e), California PRC Sec. 5097.98 and state HSC Sec. 7050.5 and Native American Graves Protection and Repatriation Act (NAGPRA) shall be followed, as applicable.
-----	--

Response to Comment D-7:

These comments are acknowledged. Furthermore, information regarding cultural resource sites as they relate to the proposed project and their locations has remained confidential.

Response to Comment D-8:

These comments are acknowledged and consultation with Native American tribes has been conducted, and will continue (please refer to Response to Comment D-3). Also, please see EIR/EA Section 4.7.3 NEPA/NHPA-Based Mitigation Measures (EIR/EA page 4.7-11).

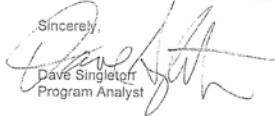
Comment Letter D
(cont'd.)

'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 Senate Bill 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors.' This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

D-8
(cont'd.)


D-9

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM MANAGER, DATED DECEMBER 27, 2010 (COMMENT LETTER D) (continued)

Response to Comment D-9:

Comment noted. Please refer to Response to Comment D-6.

Comment Letter E



Public Works works for the Public

February 2, 2011

RECEIVED

FEB 02 2011

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Mr. Armando Villa, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Attention: Patricia Valenzuela, Planner III

SUBJECT: Environmental Impact Report / Environmental Assessment CUP #16-0011 Imperial Solar Energy Center South; APN: 052-190-022-000; 147 Pulliam Road, Seeley, Ca. 92273

Dear Mr. Villa:

This letter replaces our November 17, 2010 letter for the above-mentioned project. It is specific to the latest Draft Environmental Impact Report / Environmental Assessment package received on December 3, 2010 for the above-mentioned project. The project proposed is the development of a solar energy center on 946.6 acres of mostly agricultural land. The project would include a facility consisting of ground mounted photovoltaic solar power generating system, supporting structures, operations and maintenance building, substation, water treatment facility, plant control system, meteorological station, roads, and fencing.

Department staff has reviewed the package information and the following comments should be addressed by the applicant:

- 1) Section 2.1.3.7 Auxiliary Facilities, Page 2-23.
It appears access off SR-98 to an IID Facilities road will be primarily accessed. However, should any county roads be accessed, such as Pulliam Road or Anza Road, an encroachment permit will be required from DPW. It is suggested that all figures should be revised and clarified for project areas to indicate this.
- 2) Section 2.1.3.10 Construction Process for the Solar Energy Facility
It suggests a peak of 250 workers for over 1 year to realize Phase 1 plus delivery. Our concern is additional road maintenance of surrounding county roads, paved and unpaved, due to this project.
- 3) Section 3.3.2.2 Existing Circulation Network.
McCabe Road between Brockman Road and Forrester Road has a classification of Prime Arterial in the Imperial County Circulation Element Plan. Please Correct.
Pulliam Road south between SR-98 and Cook Road is classified as a Local County Road in the Imperial County Circulation Element Plan. Correct as Necessary.
Please include Anza Road and Clark Road in the Existing Circulation Network.
- 4) Under Section 5.2.1.3, Transportation/Circulation Impact Analysis year 2012 plus Cumulative plus Project Conditions, Pg. 5-22.
The Report should clearly identify that the mitigation monitoring and reporting program will be done by the applicant and will be submitted to the Department of Public Works for review and

As Equal Opportunity / Affirmative Action Employer
POSTED BY RIGHT OF WAY/DPW REQUESTS/COUNTY REQUESTS/DPW REQUESTS/2011 REQUESTS/CUP 16-0011 Imperial Solar Energy Center South
EIR/EA report.docx

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT OF PUBLIC WORKS, SIGNED BY WILLIAM S. BRUNET, PE, DIRECTOR OF PUBLIC WORKS, DATED FEBRUARY 2, 2011 (COMMENT LETTER E)

Response to Comment E-Intro:
Comment noted.

Response to Comment E-1:

The main access road to the project site will be Pulliam Road. Access is also proposed to the portion of the site west of the Westside Main Canal via use of an existing IID maintained access road located along the western edge of the Westside Main Canal. EIR/EA Figure 2-22 depicts location of this proposed access. The current road bed is approximately 30 to 40 feet wide. The applicant has met with IID and IID has agreed to allow the applicant to utilize a 20' wide private access road 20' from the bank of the Westside Main Canal. The road bed will be extended to the edge of the 40-foot disturbance and will encroach slightly (up to 10 feet in width) into undisturbed land, if a cut/fill slope is needed to stabilize or level the road, totaling a 50-foot corridor.

Response to Comment E-2:

The Applicant will be responsible for ensuring that existing roadways utilized for the construction access to the project are adequately maintained during construction and restored to their preconstruction condition. This will be included as a Conditional of Approval as part of the Conditional Use Permit for the project.

Response to Comment E-3:

The revisions suggested in this comment for the classification of McCabe Road and Pulliam Road have been made to Section 3.3.2.2 of the EIR/EA.

With regards to the comment to include Anza Road and Clark Road into the circulation network, the traffic impact analysis prepared for the project analyzes the roadway facilities that could be impacted as a result of construction traffic (operational traffic will be very minimal). Specifically, where 50 or more peak hour trips are anticipated. The analysis is based on the anticipated construction traffic distribution from the region as shown in EIR/EA Figures 4.3-1 through 4.3-6. Based

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT
OF PUBLIC WORKS, SIGNED BY WILLIAM S. BRUNET, PE, DIRECTOR OF
PUBLIC WORKS, DATED FEBRUARY 2, 2011 (COMMENT LETTER E)

(continued)

Response to Comment E-3: (cont'd.)

on this analysis, the roadway segments listed in the comment (Anza
Road and Clark Road) would not experience a significant amount of
construction related traffic and no impact to these facilities has been
identified.

Response to Comment E-4:

See Response to Comment E-2.

Comment Letter E
(cont'd.)

approval. Additionally the mitigation monitoring program shall include pictures, videos as to verify the existing impacted roads condition before construction begins and after construction has been completed to evaluate the impacts to county road facilities due to the construction and provide recommendations to bring the roads up to pre-construction conditions. The Developer will be required to repair any damages it causes.

Traffic Study (Appendix B) comments:

- 5) Under Section 3.1 Existing Street System, Pg. 8

Please include Anza Road and Clark Road in the Existing Circulation Network.

- 6) Under Figure 3, Existing Roadway Conditions, Pg. 9.

The proposed direct access point is depicted as to be from Anza road at the intersection of Pulliam Road. If multiple access points are proposed, they need to be identified on all figures and analyzed.

- 7) Under Conclusions and Recommendations, Pg. 44.

The Report should clearly identify that the mitigation monitoring and reporting program will be done by the applicant and will be submitted to the Department of Public Works for review and approval. Additionally the mitigation monitoring program shall include pictures, videos as to verify the existing impacted roads condition before construction begins and after construction has been completed to evaluate the impacts to county road facility due to the construction and provide recommendations to bring the roads up to pre-construction conditions. The Developer will be required to repair any damages it causes.

In addition the following comments are provided in general and shall be Conditions of Approval:

- 1) Cook Road and Pullman Road, are classified as Local Roads requiring sixty feet (60) feet of right of way, being thirty (30) feet from existing centerline. It is requested that sufficient right-of-way be provided to meet this road classification.
- 2) Pulliam Road south of Anza Road is unpaved. Traffic volumes show 105 vehicles per day (VPD) counts, which exceeds the 50 VPD PM 10 trigger for paving of the road. The project shall provide fair share mitigations to pave this portion of road to county rural road standards for 24 foot wide asphalt concrete roadway as per County Standard Drawing 430A.
- 3) Anza Road is classified as Minor Collector – Local Collector Roads, two (2) lanes, requiring seventy (70) feet of right of way, being thirty five (35) feet from existing centerline. It is requested that sufficient right-of-way be provided to meet this road classification.
- 4) A record of survey delineating leased area must be provided. Should the development of the project constitute a subdivision for sale, lease, or financing, per the Subdivision Map Act, then a parcel or final map, along with the attendant planning review, may be required.
- 5) The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included.

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EIR EA report.docx

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT OF PUBLIC WORKS, SIGNED BY WILLIAM S. BRUNET, PE, DIRECTOR OF PUBLIC WORKS, DATED FEBRUARY 2, 2011 (COMMENT LETTER E)
(continued)

Response to Comment E-5:
See Response to Comment E-3.

Response to Comment E-6:
The direct access point for the project is Anza Road. Multiple access points are not proposed. No changes to the EIR/EA have been made in response to this comment.

Response to Comment E-7:
Please refer to Response to Comment E-2.

Response to Comment E-8:
The referenced improvements are requested Conditions of Approval for the project and are not mitigation measures associated with a specific traffic impact associated with the project. The Applicant is coordinating with the County Department of Public Works regarding the requested conditions of approval listed in the comment. Any modifications to these conditions as an outcome of this further coordination will be included in the Conditional Use Permit for the project as appropriate.

Comment Letter E
(cont'd.)

- 6) An encroachment permit shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the properties through surrounding roads. A Commercial type of driveway(s) meeting County Standard Drawing 410B shall be minimally designed and constructed at the project access point(s) off of a County paved road, where applicable. Should additional improvements be deemed necessary by DPW to address public transportation safety, applicant shall address such public improvements through the encroachment permit process.
- 7) Normally, full road improvements along the project frontage along all County Roads must be provided for. All public improvements must meet the County Department of Public Works standard guidelines prior to approval. The DPW takes no exception to only requiring road improvements, where applicable, without standard curb, gutter, and sidewalks for this specific project due to no "purpose and use" attributable to the proposed development and the surrounding area being unlikely to foster need for pedestrian facilities.
- 8) A Transportation Permit shall be required from road agency(s) (i.e. Caltrans and County) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads on riding surfaces, including bridges.
- 9) The project will require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan.
- 10) All solid and hazardous waste shall be disposed of in an approved solid waste disposal site in accordance with existing County, State and Federal regulations.
- 11) All permanent structures, including above ground piping abutting county roads shall be located outside the ultimate right of way. Additionally, locations of instruments and appurtenances cannot pose a traffic safety hazard.
- 12) Coordination with Caltrans should be made for traffic concerns on Highway 98.

E-8
(cont'd.)

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

William S. Brunet, PE
Director of Public Works

By: 

Manuel Ortiz
Assistant County Engineer

FF/dm

P:\SURVEY\RIGHT OF WAY\RW REQUESTS\COUNTY REQUESTS\CUP REQUESTS\2010 REQUESTS\CUP 10-0011 Imperial Solar Energy Center South
EIR EA report.docx

Comment Letter F

Connie L. Valenzuela
Agricultural Commissioner
Sealer of Weights and Measures

Linda S. Evans
Assistant Agricultural Commissioner/
Asst. Sealer of Weights and Measures



852 Broadway
El Centro, CA 92243

(760) 482-4314
Fax: (760) 353-9420

E-mail: agcom@co.imperial.ca.us

January 25, 2011

Armando G. Villa
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

RE: Draft EIR/EA Imperial Solar Energy Center South

The project entails the construction, development and operation of a ground mounted 2 MW Photovoltaic solar energy facility and associated electrical transmission lines and improvements to an existing dirt access road for access. The electrical transmission lines would connect from the solar facility to the existing Imperial Valley substation. The proposed solar plant will convert approximately 946 acres of privately owned farmland to non-farm use. The proposed project is located on the western and southern fringe of developed irrigated agricultural lands in Imperial County. The US international border with Mexico is located immediately South. Federal desert lands are located to the west and farmland is to the North and East.

The California Department of Conservation has classified the property as Prime Farmland and Farmland of Statewide Importance. The farmland supports a wide diversity of crops including produce. In particular the parcels located on the West side of Westside Main Canal have some history of produce with the potential to contribute a larger percentage to Imperial County's gross agricultural production value, which was \$1.45 billion in 2009. Temporary or permanent removal of any farmland out of production would have a direct negative impact on employment, income, sales and tax revenue.

During the 17 month construction phase which begins September 2011, and perhaps afterwards depending on whether this project will have some level of permanent staffing, neighboring agricultural operations would be impacted and restricted in their ability to use some pesticides or some pesticide application methods. Also, any complaints received by the construction site regarding nearby agricultural operations would need to be investigated; costs incurred to conduct investigations into incidents and complaints are not directly reimbursed by the state.

Since the project will be surrounded by desert and farmland it will be exposed to higher than normal levels of dust and potential pesticide drift which will likely necessitate cleaning of the panels in excess of the reported two times per year.

The land under the solar panels could harbor noxious weeds, pests and plant diseases which are detrimental to agriculture and could cause damage to adjacent fields and crops. This could be a problem if a cover crop is used for dust control. If weeds are allowed to grow uncontrolled they could be subject to field weed abatement enforcement procedures by the Agricultural Commissioners Office per Section 5421; of the California Agricultural code. If these solar panels are located next to or near any produce or organic fields, they could create food safety issues (i.e. E. coli in spinach caused by animal dropping getting into the field). Many produce growers today have to comply with Leafy Greens Agreements to ensure produce safety.

Sincerely,

Connie L. Valenzuela
Agricultural Commissioner
Sealer of Weights and Measures

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JAN 26 2011

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

F-1

F-2

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F-5

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AGRICULTURAL COMMISSIONER SEALER OF WEIGHTS AND MEASURES, SIGNED BY CONNIE L. VALENZUELA, AGRICULTURAL COMMISSIONER, SEALER OF WEIGHTS AND MEASURES, DATED JANUARY 25, 2011 (COMMENT LETTER F)

Response to Comment F-1:

This comment summarizes the characteristics of the proposed project. No further response is necessary.

Response to Comment F-2:

This comment is consistent with the EIR/EA description of the project site, which is identified as containing "Prime Farmland" and "Farmland of Statewide Importance." A significant impact has been identified with respect to the conversion of the site to a non-agricultural use. Mitigation Measure AR1 is proposed which would reduce the impact to a level less than significant. This measure requires either: 1) procurement of Agricultural Conservation Easements on a 2 to 1 basis for all acres converted; or, 2) payment of an "Agricultural In-Lieu Mitigation Fee." The County of Imperial will consider the potential fiscal impacts and economic benefits of the project as part of their consideration of approval of the project. For instance, the EIR/EA identifies that the fields within the project site are producing lower value crops and employing less people than other agricultural fields in the Imperial Valley. As noted in the EIR/EA, the current agricultural use employs approximately two full time employees. It would take over 100 years for the current agricultural fields to provide the same level of compensation, in terms of payroll to workers, as the construction of the proposed project. Additionally, the proposed project is considered a temporary use and the land would be required to revert back to agricultural use if the solar facility is decommissioned.

Response to Comment F-3:

The period of construction for the solar facility is short-term in nature (approximately 17 months as stated in the comment). Once constructed, the occupancy of the solar facility would be approximately four full time employees. As such, any conflict with the agricultural lands surrounding the project site is anticipated to be less than significant due to the relatively short duration of the construction

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AGRICULTURAL COMMISSIONER SEALER OF WEIGHTS AND MEASURES, SIGNED BY CONNIE L. VALENZUELA, AGRICULTURAL COMMISSIONER, SEALER OF WEIGHTS AND MEASURES, DATED JANUARY 25, 2011 (COMMENT LETTER F) (continued)

Response to Comment F-3: (cont'd.)

period, and the very low occupancy of the project (i.e., approximately four full-time employees). Additionally, the All American Canal and U.S. Border Fence are located at the southern boundary of the project site. No agricultural fields are located to the south of the project site that could be impacted. BLM managed lands are located to the west of the project site, and an owner of a portion of the project site owns and farms lands immediately north of the site. Finally, the owners of large tracts of land to the north and east of the site have filed Conditional Use Permit applications with the County for use of these properties for solar energy fields.

Response to Comment F-4:

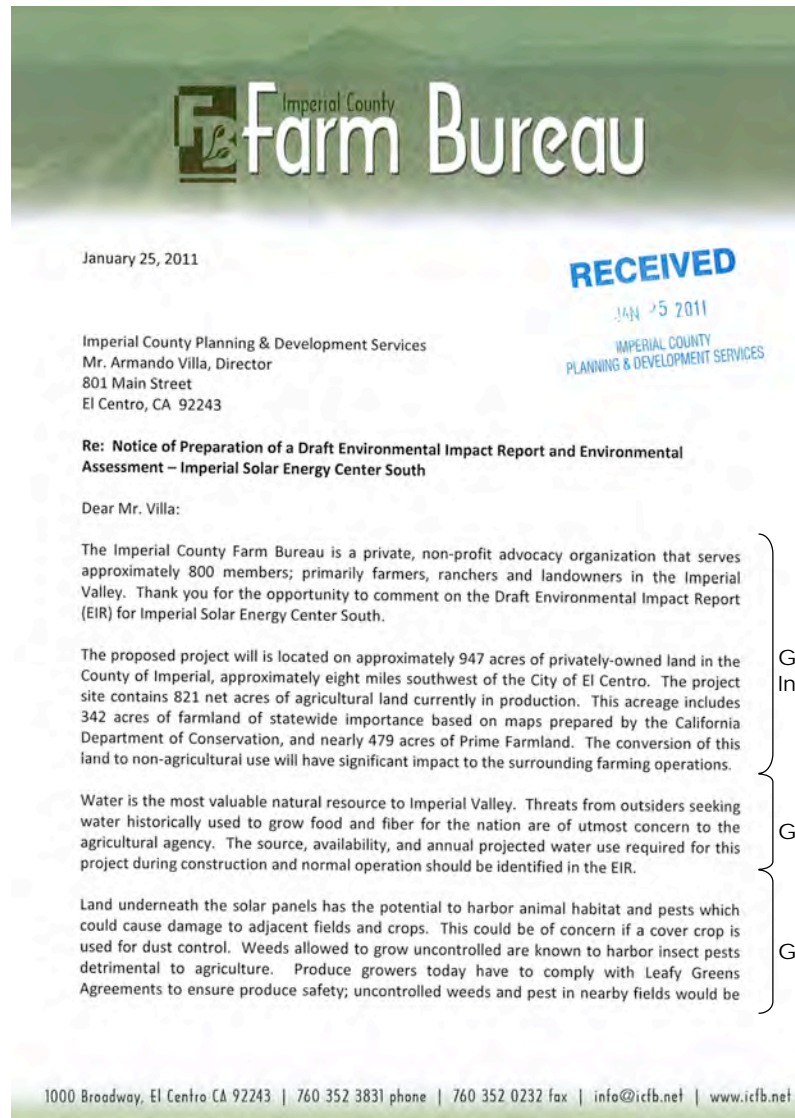
As stated on EIR/EA page 2-29, the panel cleaning interval would be determined by the rate at which electrical output degrades between cleanings. The Applicant currently anticipates no module washing, but instead allowing the occasional rain events wash the modules. This approach is consistent with other projects utilizing the same technology. Two module washings have been assumed as a conservative estimate for operational water usage.

Response to Comment F-5:

These comments are acknowledged. As described on EIR/EA page 2-31 (Weed Management) and identified in Mitigation Measure B1 (EIR/EA page 4.12-100) a weed control plan will be developed which would include a long-term strategy for weed control and management during operation of the project. Furthermore, vegetation management would be implemented as part of the project's Fire Protection and Prevention Plan (see EIR/EA page 2-24).

The entire solar field site will be fenced for security purposes. Therefore, the site is not expected to be utilized by, or an attraction for, animals.

Comment Letter G



RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY FARM BUREAU, SIGNED BY LINSEY J. DALE, EXECUTIVE DIRECTOR, DATED JANUARY 25, 2011 (COMMENT LETTER G)

Response to Comment G-Intro:

This comment summarizes the characteristics of the proposed project. No further response is necessary.

Response to Comment G-1:

Projected water use associated with construction and operation of the proposed project is discussed in EIR/EA Chapter 2.0.

Response to Comment G-2:

These comments are acknowledged. As described on EIR/EA page 2-31 (Weed Management) and identified in Mitigation Measure B1 (EIR/EA page 4.12-100) a weed control plan will be developed which would include a long-term strategy for weed control and management during operation of the project. Furthermore, vegetation management would be implemented as part of the project's Fire Protection and Prevention Plan (see EIR/EA pages 2-24 through 2-26).

The entire solar field site will be fenced for security purposes. Therefore, the site is not expected to be utilized by, or an attraction for, animals.

Comment Letter G
(cont'd.)

Imperial County Farm Bureau | 2
Comments to Imperial Solar Energy Center South Draft EIR

of notable concern to produce farmers. Mitigation measures should be considered when developing an EIR for this project.

Although aerial application of non-restricted pesticides could still be allowed, glare from the panels could create visual hazards during the day and evening applications. In addition, as experienced by landowners near other renewable energy projects, during the construction phase, aerial application of some pesticides would likely be restricted or even prohibited on adjacent fields. If applicable, possible restrictions to nearby farming operations concerning the application of legal chemicals should be addressed in the EIR.

An Economic Impact Analysis should be completed to determine the direct and indirect negative economic change resulting from lost crop value, employment, income, sales and tax revenue during both construction and normal operation of the project versus any positive economic benefits to the community of this project. Impacts to Farm Service Providers and the entire agricultural industry should be taken into consideration when preparing this report.

To ensure the future productivity of the farmland, mitigation requirements should be included to ensure the properties are returned to their original farmable condition should the company discontinue business operations.

Following the guidelines of Imperial County's Right to Farm Ordinance (Imperial County Code of Ordinances, Chapter 5.56), businesses (purchasers or users) seeking to operate adjacent to or near agricultural operations should be prepared to accept conditions including, but not limited to noise, odors, fumes, dust, chemicals, smoke, the operation of machinery of any kind during any twenty-four hour period (including aircraft), the storage and disposal of manure, and the application of chemical fertilizers, soil amendments and pesticides as the natural result of doing business in or near rural areas. We appreciate that this information has been included in the Draft EIR and would request that it remain in the Final EIR.

Thank you in advance for your consideration. Please feel free to contact me if any questions arise from our comments.

Sincerely,



Linsey J. Dale
Executive Director

G-2
(cont'd.)

G-3

G-4

G-5

G-6

G-7

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY FARM BUREAU, SIGNED BY LINSEY J. DALE, EXECUTIVE DIRECTOR, DATED JANUARY 25, 2011 (COMMENT LETTER G) (continued)

Response to Comment G-3:

Aerial application of pesticides will not be significantly impacted. The solar fields will utilize Solar PV panels, which absorb light. The solar field will not have mirrors or other highly reflective surfaces.

During construction, there will be some restrictions on the aerial application of a small number of Restricted Materials that require a permit for application from the Imperial County Agricultural Commission. Non-Restricted pesticides will not be restricted.

The restricted substances will be:

- Dusts (not including Sulfur dust which is not a Restricted Material): This is not expected to be an impact as they are not commonly used.
- No Def: This is used for cotton and there are no cotton fields in the area
- Folex: This is used for cotton and there are no cotton fields in the area
- Paraquat: This is a toxic herbicide used to de-foliate cotton. There are no cotton fields in the area.

Restrictions will extend for ¼ of a mile from the construction site and therefore will only impact fields immediately to the north and east of the site. These fields are grass crop fields and are not likely to be impacted by the above restrictions. Further, many of these adjacent fields are currently proposed to be developed into solar farms and are not likely to be impacted. If application of these substances are required, the applicant will coordinate with the adjacent farm and the Agriculture Commission to ensure safe and timely application of these Restricted Materials.

Response to Comment G-4:

A Fiscal Impact Analysis (FIA) will be prepared for the proposed project, and will be considered in the decision whether or not to approve the proposed project.

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY FARM BUREAU, SIGNED BY LINSEY J. DALE, EXECUTIVE DIRECTOR, DATED JANUARY 25, 2011 (COMMENT LETTER G) (continued)

Response to Comment G-5:

EIR/EA Section 2.1.3.12 Termination and Restoration of Solar Energy Facility Site, addresses the decommissioning of the solar facility, which would include restoring the site to a farmable condition.

Response to Comment G-6:

Comment noted. No changes to the EIR/EA are proposed regarding the County's Right-to-Farm Ordinance.

Response to Comment G-7:

Comment noted.

Comment Letter H



GS-EREP

January 18, 2011

Ms. Patricia Valenzuela
Planning & Development Services Dept.
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Imperial Solar Energy Center **South** Draft EIR/EA

Dear Ms. Valenzuela:

On December 6, 2010 we received the Draft Environmental Impact Report (EIR) and Environmental Assessment (EA) for the Imperial Solar Energy Center **South** project. The project consists of three primary components: 1) the construction and operation of the 200 Megawatt Imperial Solar Energy Center South PV solar energy facility; 2) the construction and operation of a five-mile long electrical transmission line that would interconnect the solar power facility to the utility grid at the 230 kV side of the Imperial Valley Substation; and 3) the improvement and use of the existing dirt access road, a portion of which traverses BLM lands. The proposed right-of-way for the electrical transmission line corridor would be 120-feet wide. The proposed solar energy facility site is located on 946.6 acres of privately-owned, undeveloped and agricultural lands, in the unincorporated Mt. Signal area of the County of Imperial, approximately eight miles southwest of the City of El Centro and south of the community of Seeley. The property is located south of Anza Road, north of Cook Road, and is generally bisected by Pullman Road. The proposed transmission lines and a portion of the access road would be located within the Yuha Desert, and within BLM's Utility Corridor "N" of the California Desert Conservation Area plan; it traverses both BLM lands and private land, and is located on the west side of the Westside Main Canal and consists of an existing dirt access road that would be widened by five feet. The area proposed to be widened includes desert land and farmland.

Pursuant to the above, the Imperial Irrigation District (IID) has reviewed the draft EIR/EA and in addition to our comments on the Notice of Preparation for the project's draft EIR/EA forwarded to your office on July 8, 2010 (see attachment), submits the following comments:

The project could potentially impact the IID's transmission system. Please be advised that IID will need to evaluate the impacts of this project on the IID system. Project proponent should be directed to contact Ms. Jamie Asbury, IID Interconnection & Transmission Contracts Developer, for an Affected System Study. With this study, IID will perform a power flow, short circuit and transient stability analysis of IID's transmission system depicting WECC's base case with IID's detail representation of our transmission system to confirm/assess the project's impacts and propose mitigations.

H-Intro

H-1

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT, SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED JANUARY 18, 2011 (COMMENT LETTER H)

Response to Comment H-Intro:

This comment summarizes the proposed project characteristics. Additionally, the comment provides the IID's July 8, 2010 response to the NOP as an attachment. Please refer to the "H Attachment" responses below.

Response to Comment H-1:

Comment noted.

Comment Letter H
(cont'd.)

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)

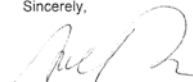
and/or corrective actions. Ms. Asbury can be reached at (760) 482-3379 or by e-mail
lasbury@iuid.com.

Should you have any questions, please do not hesitate to contact me by phone at 760-
482-3609 or by e-mail at dvargas@iuid.com. Thank you for the opportunity to comment
on this matter.

} H-1
(cont'd.)
H-2

Response to Comment H-2:
Comment noted.

Sincerely,



Donald Vargas
Environmental Specialist

cc: Mario Escalera - Manager, Energy Dept. Operations & Infrastructure
James Ross - Executive Program Manager, Water Dept.
Mike L. King - Manager, Water Dept.
Jeff M. Garber - General Counsel
Juan Carlos Sandoval - Asst. Mgr. Energy Dept. Transmission Planning, Engineering & Telecom
Carlton L. King - Asst. Mgr. Energy Dept. Customer Service Operations
Richard R. White - Asst. Mgr. Energy Dept. Construction & Maintenance Operations
Tina Shields - Asst. Mgr., Water Dept. Resources Planning & Management
David L. Barajas - General Supt., Energy Dept. System Planning & Engineering
Michael S. Trump - General Supt., Energy Dept. Customer Operations & Planning
Ismael Gomez - Chief Engineer, Water Dept. Engineering Services
Bruce Wilcox - Environ. Proj. Mgr., Water Dept. GSA Water Transfer
James P. Kelley - Supervisor, Real Estate & Right-of-Way
Vikki Dee Bradshaw - Asst. Supv., Environmental Management

Comment Letter H
Attachment

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)
(ATTACHMENT)



GS-EREP

July 8, 2010

Ms. Patricia Valenzuela
Planning & Development Services Dept.
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Preparation Imperial Solar Energy Center South Draft
Environmental Impact Report

Dear Ms. Valenzuela:

On June 15, 2009 we received a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Imperial Solar Energy Center South project. The project consists of the development of solar energy center on 903 acres of mostly agricultural land to include a ground mounted photovoltaic (PV) solar power generating system facility, supporting structures, operations and maintenance building, substation, water treatment facility, plant control system, meteorological station, roads and fencing. The electrical generating facility would connect, by way of a 120-foot wide ROW within BLM's designated Utility Corridor "N", to the Imperial Valley Substation via a 5.5-mile 230 kV transmission line to be constructed as part of the project. The project site is located on Pullman Road and Anza Road in an unincorporated portion of Imperial County.

Pursuant to the above, the Imperial Irrigation District (IID) has reviewed the DEIR and submits the following comments:

1. IID has not received a request for electrical service for the project's O & M building. Line extensions to serve this facility will be made in accordance with current IID Regulations. Due to unforeseen development, other projects could impact existing resources which could affect our ability to serve this load. Some revisions (to be performed by the IID) to the distribution circuit serving this area may be required. These revisions will be at the project proponent's expense. For additional information contact IID Energy - Customer Operations & Planning Section at 760-482-3402.
2. IID facilities that may be impacted include Westside Main Canal, Wormwood Canal, and canal crossing for Westside Main and Wormwood Canals, All American Canal, Drop No. 1, Walnut Canal, Woodbine Lateral 5 Canal, Mt. Signal Drain, Mt. Signal Drain No. 3, and Mt. Signal Drain No. 4.
3. Fences should be installed at the boundary of IID's right of way for safety and allow access for Imperial Irrigation District operation and maintenance activities.

1. The Applicant has submitted an application for electric service with IID Energy - Customer Operations & Planning Section as required.
2. Comment noted.
3. Fences will be installed at the boundary of IID's right of way as required.

Comment Letter H
Attachment
(cont'd.)

4. The proponent may not use IID's Westside Main and Wormwood Canals structures to access the western section of its site. The Imperial Solar Energy Center South Project is required to construct a new bridge to cross these facilities (or any other) to access their project site.
5. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape, and all water, sewer, storm water, or any other above ground or underground utilities. A copy of the encroachment permit application is included in the Imperial Irrigation District 2008 Developer Project Guide and can be found at: <http://www.iid.com/Media/Developer-Project-Guide-2008.pdf>. For additional information regarding encroachment permits, the Imperial Irrigation District Real Estate Section at (760) 339-9239 should be contacted.
6. Storm water for the project could be connected to drains at the existing agricultural discharge locations. Adjustment of discharge locations is permitted upon review and approval. The storm water discharge connections shall be in accordance with IID's Standard Drawing 12F-6855, which is included in the 2008 Developer Project Guide (see internet link to the site in item 4 above).
7. The impacts to the Salton Sea via the New River and to IID drains, due to loss or reduction of agricultural runoff caused by agricultural land conversion to urban use is not discussed in the document. Due to the potential loss or reduction of inflow to the Salton Sea and to IID drains with its concurrent environmental impacts, developer should address this issue as well as provide analysis that the project does not impact the IID Water Conservation and Transfer Draft Habitat Conservation Plan (HCP), the existing Section 7 Biological Opinion and the California Endangered Species Act (CESA) Permit 2081.
8. Since the DEIR lacks any assessment or discussion of cumulative impacts considering other non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and the Salton Sea, it is advisable that project proponent present a cumulative impact analysis on inflow to IID drains and the Salton Sea.

The following are the access links to the documents mentioned:

- The HCP is part of the IID Water Conservation and Transfer Project, Final EIR/EIS and can be found at <http://www.iid.com/Water/FinalEIR/EIS>; Volume II, Appendix A, Habitat Conservation Plan. (The HCP in the Draft EIR/EIS may contain small changes from the final version of the EIR/EIS. It is in a different appendix in the draft than the final EIR/EIS. Until the final HCP/NCCP is approved IID uses the HCP in the draft document, which can be accessed at <http://www.iid.com/Water/DraftEIR/EIS>).
- The Biological Opinion (federal ESA permit) is at <http://www.iid.com/Media/in-Valley-BO.pdf>.

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)
(ATTACHMENT) (continued)

4. The project does not propose to use IID's Westside Main structures for access to the project site.
5. Comment noted. The project Applicant will be required to obtain an encroachment permit from IID for this proposed shared access road with IID.
6. Comment noted. Connection to existing drains is proposed. EIR/EA Figure 4.11-1 depicts the proposed project site drainage infrastructure. As shown, runoff control would include use of the existing 30" storm drain that conveys flow underneath the Westside Main Canal, as well as the existing Mt. Signal Storm Drain #3.
7. The impacts to the Salton Sea via the New River and to IID drains, due to loss or reduction of agricultural runoff caused by temporary agricultural land conversion to solar use is not a significant environmental impact. Unlike a permanent conversion of agricultural land to urban or industrial use, the solar project is akin to a long-term fallowing because the project is required to restore the site back to agricultural use pursuant to the terms of its lease. Although there is a reduction in water use at the site, the project will continue to contribute relatively clean water to the New River and the Salton Sea from periodic panel washing runoff and stormwater collection systems. The BMP to control the rate of water runoff and reduce water quality impacts are discussed in Chapter 4.11 of the EIR/EA, with a focus on the use of specially designed detention ponds that allow sediments and other types of pollutants to settle to the bottom prior to release of the water downstream, eventually into the Salton Sea.

The proposed project's reduction in agricultural water use at the site aids the IID in fulfilling its legal obligations under State Water Resources Control Board orders, the Quantification Settlement

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)
(ATTACHMENT) (continued)

Agreement (QSA), and IID Water Transfer Agreement, which includes mitigation of water quality and biological impacts to the Salton Sea. As such, the proposed project is consistent with the IID Water Transfer Agreement HCP, the existing section 7 Biological Opinion, and IID CESA Permit 2081. The IID has created an Equitable Distribution Plan to give itself the flexibility to meet changing circumstances in supply and demand. The Equitable Distribution Plan would essentially create an agricultural fallowing incentive program in the event of a supply/demand imbalance (SDI). By October of each year, the IID staff must forecast water demand and available supply and recommend whether there will be a SDI. With the knowledge that the proposed project is anticipated to use only 5 AFY of water during its long lease period, instead of a more intense agricultural water use, IID has lower water demand it needs to account for in determining whether there will be a SDI and may help prevent the need to activate the Equitable Distribution Plan, which will allow more farms to use their water supply. With a reduced need induce other farmland to fallow their lands, more agricultural water can flow to the Salton Sea that otherwise would.

Likewise, in the years when IID must trigger the Equitable Distribution Plan, the water conservation from the proposed project reduces the need to induce fallowing on as many agricultural acres to generate the additional water conservation needed to meet its transfer obligations and Salton Sea mitigation obligations. According to IID's Equitable Distribution Plan Negative Declaration, in 2003, IID implemented a rotation fallowing program to successfully create conserved water to deliver to the Salton Sea and now IID plans to increase fallowing incrementally to a -maximum of about 25,000 acres. With the knowledge that the proposed project will be using less water, IID can fallow less than the 25,000 acres to produce the same amount of water needed to meet its transfer obligations and

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)
(ATTACHMENT) (continued)

conserve water to deliver to the Salton Sea. As such, to the extent IID believes mitigation is needed, IID controls the mitigation by selecting how many farmland acres to enroll in its fallowing program to create the Salton Sea mitigation water. These decisions are outside the control of the County.

In addition, IID acknowledged in its Negative Declaration certifying the Equitable Distribution program that the fallowing necessary to provide the transfer and Salton Sea mitigation water would not have a significant impact on water quality or biology. Specifically, it states for biology, "Implementation of the EDP would not have an effect on any biological resources within the IID water service area. The EDP could result in minor short-term changes in the location of water use and therefore, the volume of flows in the drains. However, any changes in the location of flows are expected to be both short-term and negligible, and well within historic variations, and therefore not to result in any adverse effects on biological resources that rely on the drains for habitat....[i]t is expected that under an SDI [state and federal refuges in the IID service area] will have sufficient supplied to maintain current uses and operations and/or to fulfill obligations under environmental permits issued to IID. No impacts to these areas will occur under the EDP." For water quality, it states, "The proposed EDP would not result in any impacts associated with hydrology and water quality....the magnitude of any potential change is anticipated to be minimal and, due to constant variation in cropping patterns and locations of idled lands, most likely to undetectable when compared to the existing condition."

Finally, Figure 3 of the Negative Declaration shows how insignificant the IID's EDP fallowing program is in comparison with the historic variation in fallowing levels in Imperial Valley. The EIR/EA tiers off this conclusion and incorporates it by reference into the Proposed Project's analysis and Response to Comments.

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)
(ATTACHMENT) (continued)

<http://www.iid.com/Modules/ShowDocument.aspx?documentid=240>

Therefore, not only does the proposed project reduce the need for as much fallowing under the Equitable Distribution Plan, but Figure 3 demonstrates, even without aiding the IID's Equitable Distribution Plan, the Proposed Project's long-term fallowing of agricultural lands is not significant compared to the historic levels of fallowing in Imperial County. As such, the Proposed Action's agricultural use water reduction is not significant compared to the historic levels of agricultural use water reductions from fallowing activities.

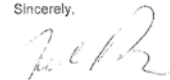
8. This comment relates to Response to Comment H-7, but requests clarification of the project's potential cumulative impact on the New River and Salton Sea from the reduced flow. The IID's Equitable Distribution Plan Negative Declaration also analyzed the cumulative impacts of the Equitable Distribution Plan's fallowing program and concluded "Because there are no environmental impacts associated with implementation of the EDP, there are no cumulative impacts to consider." The EIR/EA tiers off this conclusion and incorporates it by reference into the proposed project's analysis and Response to Comments. For all the reasons stated in Response to Comment H-7, the proposed project's conservation of water reduces the need to declare a SDI, aids the IID in meeting its water transfer and mitigation water obligations, and is so far within the historic levels of fallowing within Imperial County that the County has come to the same cumulative impact conclusion as IID did for IID's EDP.

Comment Letter H
Attachment
(cont'd.)

- The CESA 2081 (the water transfer operates under this state ESA permit until NCCP is approved) can be found at <http://www.water.ca.gov/ceda/ceda.htm> and at <http://www.cd.ca.gov/Info/CEQA/CEQA.htm>
 - The MMRP (Mitigation Monitoring and Report Program) is at <http://www.cd.ca.gov/Info/CEQA/CEQA.htm>
9. For water requirements, the proponent should review the Interim Water Supply Policy (IWSP) (see <http://www.iid.com/interimwaterpolicy.htm>) to address the project's water needs. Please be reminded that the IWSP requires the project's water use and any related impacts to be analyzed individually and cumulatively if appropriate, in order for IID to issue a Water Supply Agreement.
10. To enter into a water supply agreement with the IID and obtain a water supply for the project, the project proponent will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project have been adequately assessed, appropriate mitigation has been developed, and appropriate conditions have been adopted by the relevant land use permitting/approving agencies.
11. It is important to bear in mind that any new, relocated, upgraded or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, and water delivery and drainage structures) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or upgrade of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3608 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Sincerely,



Donald Vargas
Environmental Specialist I

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 18, 2011 (COMMENT LETTER H) (continued)
(ATTACHMENT) (continued)

9. Comment noted.

10. As described on EIR/EA page 2-26, an onsite water treatment facility would draw water from the Westside Main Canal, and treat the water for domestic and panel washing use. Alternatively, water may be trucked to the site in tanker trucks and stored on site for domestic use, panel washing and dust suppression. Bottled water will be trucked to the site for drinking water.

11. The whole of the proposed action, including any new, relocated, upgraded, or reconstructed IID facilities has been evaluated in the EIR/EA.

Comment Letter I

130 SOUTH SIXTH STREET
EL CENTRO, CA 92530-3600



TELEPHONE: (360) 452-4000
FAX: (360) 452-9900

December 17, 2010

Mr. Armando Villa
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

SUBJECT: Draft EIR for the Imperial Solar Energy Center South

Dear Mr. Villa:

The Air Pollution Control District (Air District) finalized the review for Draft EIR for Imperial Solar Energy Center South. The following comments are intended to help clarify issues the Air District has identified as potentially contributing to the decline or curtailment of Air Quality in Imperial County.

Table ES-1 Section 4.4 – Air Quality

This table should reflect mitigation measures for Rule 310 – Operational Development fee as Operations and Maintenance Buildings will be constructed on site. Rule 310 (Operational Development Fee) provides the Air District with a sound method for mitigating the emissions produced from the operation of new commercial and residential development projects throughout Imperial County and incorporated cities. All project proponents have the option to provide offsite mitigation, pay the operational development fee, or do a combination of both.

I-1

Page 3.4-5 Section 3.4.1.4 Ozone Air Quality Management Plan

The section should be revised to include the following updated information. In reference to Imperial County's determination of the 1997- 8-Hour NAAQS, on December 3, 2009, the U.S. EPA made a final determination that the Imperial County attained the 1997 8-Hour National Ambient Air Quality Standard (NAAQS) for Ozone (FR Vol. 74, No. 231, Page 63309). In addition, on November 18, 2010 CARB approved the Imperial County 8-Hour Ozone Air Quality Management Plan.

I-2

Page 3.4-6 Section 3.4.1.4 ICAPCD Rules

Aside from the Regulation VII Rules, Rule 310 – Operational Development Fee must also be included. Please refer to the comment above, "Table ES- Section 4.4 – Air Quality."

I-3

EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY BELEN LEON, APC ENVIRONMENTAL COORDINATOR, DATED DECEMBER 17, 2010 (COMMENT LETTER I)

Response to Comment I-1:

The Imperial County APCD Rule 310 is applicable to commercial and residential uses. The APCD has indicated that Rule 310 would apply to all buildings constructed on the project site. The Applicant intends to pay the operational development fee for the proposed O&M Building in accordance with APCD Rule 310. Mitigation Measure AQ3 has been added to the EIR/EA to ensure the project complies with Rule 310.

Response to Comment I-2:

The text on EIR/EA page 3.4-5 has been revised as follows:

Ozone Air Quality Management Plan

Based on Imperial County's "moderate" nonattainment status for 1997 federal 8-hour ozone standards, Imperial County Air Pollution Control District (ICAPCD) is required to develop an 8-hour Attainment Plan for Ozone. ~~Recently ICAPCD found that Imperial County had no violations of the 8-hour ozone standard for 2008.~~ On December 3, 2009, the U.S. EPA made a final determination that the Imperial County attained the 1997 8-Hour National Ambient Air Quality Standard (NAAQS) for Ozone. Because this determination does not constitute a re-designation to attainment under the Clean Air Act Section 107(d)(3), the designation status will remain "moderate" nonattainment for the 1997 8-hour ozone standard. However, ICAPCD is required to submit a Modified Air Quality Management Plan (AQMP) to the EPA for approval. The final "Modified" 2009 8-hour Ozone Air Quality Management Plan was adopted by ICAPCD on July 13, 2010. On November 18, 2010, CARB approved the Imperial County 8-Hour Ozone Air Quality Management Plan.

Response to Comment I-3:

Please refer to Response to Comment I-1.

Comment Letter I
(cont'd.)

Appendix C1

Ambient Air Quality Data Collection on Page 11-12

This sections mentions that "the Air District monitors air quality conditions at seven locations within the Imperial County." However, the Imperial County has five monitoring stations by which four monitoring stations are under the Air District jurisdiction and one monitoring station located in Calexico is under CARB's jurisdiction. Please revise this paragraph to reflect the proper information.

I-4

CARB Air Monitoring Station Data Within Project Vicinity on Page 12

The last paragraph of this section states "Other stations within the project vicinity present either incomplete or redundant data, or were determined not to be representative of localized ambient air quality conditions present at the project site." For clarification purposes the Air District would like more information on the "other stations" this paragraph refers to as the only known stations near the project are the Calexico station which CARB has jurisdiction and the El Centro station by which the Air District has jurisdiction.

I-5

The Air Districts' rule book, including all new regulations can be accessed via internet at <http://www.Imperialcounty.net> under "Air Pollution Control." Thank you for allowing the Air District an opportunity to comment on this project. Should you have any questions please do not hesitate to call the office at (760)482-4606.

I-6

Sincerely,



Belen Leon
APC Environmental Coordinator

CC: Brad Poirier
Reyes Romero
Monica Soucier

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY BELEN LEON, APC ENVIRONMENTAL COORDINATOR, DATED DECEMBER 17, 2010 (COMMENT LETTER I) (continued)

Response to Comment I-4:

The APCD was contacted to clarify the current monitoring station framework in Imperial County (pers. comm., Monica Soucier, January 12, 2011). Pages 11-12 of the Construction Air Quality Conformity Assessment (EIR/EA Appendix C1) has been updated to reflect the following:

ICAPCD oversees four monitoring stations within their own jurisdiction (El Centro, Niland, Westmorland, and Brawley). Two monitoring stations are located within CARB's jurisdiction, one within the City of Calexico and one within the City of Calexico's sphere of influence. Therefore, the ICAPCD monitors air quality conditions at six locations within Imperial County.

CARB is in the process of relocating the two monitoring stations in Calexico. The relocation is anticipated to occur within the next 6-12 months.

Response to Comment I-5:

The text on page 12 of the Construction Air Quality Conformity Assessment has been deleted. The El Centro and Calexico monitoring stations have been determined to be the most appropriate data base for existing ambient air quality as it relates to the proposed project.

Response to Comment I-6:

Comment noted.

Comment Letter J

Tuesday, January 4, 2011 2:01

Thanks and have a fabulous day.

Jennifer Whyte
Realty Specialist
Bureau of Land Management
El Centro Field Office
1661 S 4th Street
El Centro, CA 92243

760-337-4421 voice
760-337-4490 fax

----- Forwarded by Jennifer Whyte/CASO/ICA/BLM/DOI on 01/04/2011 01:49 PM -----

"Bridget Nash" <b.nash@quechantribe.com>

To <Jennifer_Whyte@blm.gov>, <Tiffany_Thomas@blm.gov>

cc <Carrie_Simmons@blm.gov>, "Darrell Gardner"

<darrellgardner@co.imperial.ca.us>, "Jim Minnick"

<jimminnick@co.imperial.ca.us>

01/04/2011 12:50 PM

Subject: Imperial Solar Energy Center West and South projects

Good morning --

Due to the varying comment deadlines and the fact that this is a "joint" project, the comments submitted below are for both agencies.

Prior to discussing our concerns in regards to the project, I would like to discuss the comment deadlines for the projects. have a letter signed by Margaret Goodro of the BLM El Centro Field Office dated December 15th. This letter states that a "joint EA/DEIS was released in December 2010" and that the documents are available from the BLM for "a 30 day public comment period." However, the same letter states that comments for the south project for BLM close on January 5, 2011 and comments for the west project for BLM close on December 23, 2010. Neither of these deadlines allow for the 30-day public comment period as stated earlier on in the December 15th notification. Due to BLMs failure to allow for proper review of the documents, I am requesting that the comment period be extended to not only allow our comments to be taken into consideration but for members of the public to be able to submit their comments as well.

I have reviewed the EA/DEIR for both projects and am concerned with the consultant's approach for this undertaking. On page 4.7-1, the consultant alludes to consultation, for BLM's purposes, occurring after the ROD with an executed MOA or PA being put in place. As BLM is aware, the Tribe has filed suit on another project for this same approach and was granted injunctive relief. Furthermore, while the consultant spends quite a bit of time discussing CEQA and the fact that the "pre-final consultation mitigation measures discussed herein are along sufficient to support a finding that any potential significant impacts are reduced to below a level of significance for purposes of CEQA," they fail to note that the transmission line on BLM land is a connected action and as such NEPA should apply to the entire project. Therefore, the mitigation measures developed by the consultant are moot. The mitigation measures need to be developed in consultation with the Tribe(s) to ensure they are culturally appropriate. For example, on page ES-16, the consultant proposes that "covering the archaeological sites with a layer of chemically stable soil before constructing facilities on site so long as covering can be done in a manner that is technically possible, does not cause a new significant environmental impact or increase the severity of a significant environmental impact....." However, as BLM and Imperial County are well aware, capping is not always a preferred practice among the Tribes.

Given the number of projects proposed in the area, the Tribe is also concerned with the cumulative impacts to cultural

Page 1

RESPONSE TO COMMENT LETTER FROM QUECHAN INDIAN TRIBE, SIGNED BY BRIDGET R. NASH-CHABASCZ, QUECHAN TRIBE HISTORIC PRESERVATION OFFICER, DATED JANUARY 4, 2011 (COMMENT LETTER J)

Response to Comment J-1:

This comment is acknowledged. The County of Imperial has prepared written responses to these comments pursuant to CEQA Guideline 15088. The comments and written responses are provided in Responses to Comments J-2 through J-4 and are included in the Final EIR for the project. The Bureau of Land Management will summarize comments and responses received during the NEPA environmental review process and include this information as part of the Decision Record for the project.

Response to Comment J-2:

The Draft EIR/EA document was made available for public review and comment for a period of over 50 days, extending from December 3, 2010 to January 25, 2011.

Response to Comment J-2a:

EIR/EA page 4.7-11 states that, "the Decision Record must include the MOA. The BLM is currently developing a MOA to resolve the adverse effects of this project." Furthermore, EIR/EA page 4.7-11 states, "If there are significant effects, then when the MOA is fully executed, the Proposed Action and Alternatives will have fulfilled the requirements of the NHPA and NEPA." Furthermore, the EIR/EA addresses the whole of the action for both CEQA purposes and NEPA purposes. The whole of the action includes both the solar energy facility site and transmission line corridor. As such, NEPA does apply to the entire project, and the development of a MOA will include the privately-owned property that is proposed for the solar energy facility site.

Response to Comment J-2b:

It is acknowledged that capping is not always a preferred practice. As stated in the EIR/EA and responded to in Response to Comment J-2a, a MOA will be executed prior to issuance of a Decision Record. The MOA will be developed as part of the BLM's tribal consultation to ensure that the proposed mitigation is acceptable to all consulting parties. Specifically, EIR/EA page 4.7-1 states, "The

RESPONSE TO COMMENT LETTER FROM QUECHAN INDIAN TRIBE, SIGNED BY BRIDGET R. NASH-CHABASCZ, QUECHAN TRIBE HISTORIC PRESERVATION OFFICER, DATED JANUARY 4, 2011 (COMMENT LETTER J)
(continued)

Response to Comment J-2b: (cont'd.)

BLM is entering into consultation with the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), Tribes and interested parties on completing all procedural steps outlined in 36CFR800, the implementing procedures for the National Historic Preservation Act. The BLM has determined that there will be an adverse effect to historic properties and is currently developing a Memorandum of Agreement (MOA) to resolve the adverse effect." Furthermore, NEPA and the NHPA (Section 106) require a tribal consultation process and require that significance determinations and mitigation measures be developed through the consultation process. This consultation is currently in process with respect to the proposed project and final mitigation measures will be included in the MOA prior to the Decision Record.

Response to Comment J-3a:

Please refer to Response to Comment L-6 regarding cumulative impacts to cultural resources.

Comment Letter J
(cont'd.)

resources and the cultural landscape in which they reside. As has been stated previously to both BLM and Imperial County the cultural resources outside of the project area need to be considered too as they are part of a larger picture and cannot be piecemealed. In addition, the Cultural Committee is extremely concerned about the number of proposed transmission lines going into the Imperial Valley substation and the impact that these transmission lines will have not only on the cultural resources but the viewsheds as well. In December 2010 the Quechan Historic Preservation Office sent an email to both BLM and Imperial County requesting that they limit the number of transmission lines and force the project proponents to collocate in order to reduce the amount of disturbance within the Yuha Desert. In addition to this request, another email was sent to BLM requesting that a cultural resource survey of the entire eastern Yuha be done prior to any project approvals so that the Tribe would have a better understanding of the cumulative impacts to the cultural landscape. To date we have received no response and I did not see any detailed discussion within the cumulative impacts section of the DEIR about these concerns.

J-3a
(cont'd.)

J-3b

J-3c

Due to the aforementioned issues, the Tribe supports the No Action Alternative. If you have any questions please do not hesitate to call or email.

Bridget R. Nash-Chrabascz
Quechan Tribe Historic Preservation Officer
Quechan Indian Tribe
PO Box 1899
Yuma, AZ 85366
760-572-2423

RESPONSE TO COMMENT LETTER FROM QUECHAN INDIAN TRIBE, SIGNED BY BRIDGET R. NASH-CHRADESCZ, QUECHAN TRIBE HISTORIC PRESERVATION OFFICER, DATED JANUARY 4, 2011 (COMMENT LETTER J)
(continued)

Response to Comment J-3b:
Please refer to Response to Comment L-29 regarding cumulative visual impacts.

Response to Comment J-3c:
Please refer to Response to Comment L-6 regarding cumulative impacts to cultural resources.

Comment Letter K



8minutenergy Renewables LLC
10100 Santa Monica Blvd., Suite 300
Los Angeles, CA 90067

December 16, 2010

Mr. Armando Villa
Director, Imperial County Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Subject: Comments on the Draft Environmental Impact Report and Environmental Assessment for the Imperial Solar Energy Center South Project (CUP #10-0011)

Dear Mr. Villa,

Thank you for the opportunity to review and comment on the above-referenced Draft Environmental Impact Report and Environmental Assessment (the "DEIR/EA"). At this time, we have no specific comments on the DEIR/EA. However, we will continue to analyze the DEIR/EA for consistency with the California Environmental Act and the National Environmental Policy Act. If we find any inconsistencies, we will prepare and submit comments for your review before the DEIR/EA is considered by the Planning Commission and/or Board of Supervisors.

As such, through this letter, we hereby request to be notified of any and all public hearings associated with this project. In addition, we request to receive copies of the responses to comments received during the public review period of the DEIR/EA and copies of the revised/updated DEIR/EA as soon as they become available.

Please call me if you have any questions. Thank you.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Tom Buttgenbach'.

Tom Buttgenbach, Ph. D.
President

RECEIVED
DEC 20 2010
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERV

RESPONSE TO COMMENT LETTER FROM 8 MINUTE ENERGY RENEWABLES, SIGNED BY TOM BUTTGENBACH, PH.D, DATED DECEMBER 16, 2010 (COMMENT LETTER K)

Response to Comment K-1:

Comment noted. The County will provide notification of public hearings and notification of the availability of the Final EIR/EA at the time the document is completed.

K-1

Comment Letter L

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L)

Response to Comment L-1:
Comment noted.

Response to Comment L-2:

It is acknowledged that there are certain trade-offs with “point of use” solar projects; however, reliance solely on this approach to alternative energy supplies would not meet the existing and future renewable energy needs of the region, and would fall far short of meeting state- and federally-mandated renewable energy goals. Future renewable energy supplies will be provided by a portfolio of renewable energy technologies. Please refer to Response to Comment L-39.

Response to Comment L-3:

The wind farms and the Acciona solar farm referred to in the letter were using very different technology from the technology proposed for this project and therefore the examples are not relevant to this project. In addition, the project will not use turbines and will not need to change turbine fluid.

BACKCOUNTRY AGAINST DUMPS
PO BOX 1275 BOULEVARD, CA 91905

Jennifer Whyte
BLM El Centro Field Office
via: Jennifer_Whyte@ca.blm.gov

January 5, 2011

AND

Patricia Valenzuela
Planner III County of Imperial
Planning and Development Services Department
801 Main Street
El Centro, CA 92243

via: US Mail and patriciavalenzuela@imperialcounty.net

**Imperial Solar Energy Center - South DRAFT EIR/EA COMMENTS: SCH
#2010061038, Conditional Use Permit: CUP# 10-0011; Variance : # V10-006; BLM
ROW: CACA51645/CACA-52359; EA# 2010-64-2011-007**

These comments are submitted by on behalf of the following groups: Backcountry Against Dumps (BAD), The Protect Our Communities Foundation (POC), and the East County Community Action Coalition (ECCAC). Members of our groups include property owners and residents in both Imperial and San Diego Counties.

L-1

We support the No Project Alternative

Studies show that smaller decentralized renewable energy projects, located at or near the point of use, on new and existing structures, are better overall than large-scale remote projects. They generally do not require CEQA / NEPA review or new, expensive, extensive, and destructive transmission lines, large new remote substations, or ROWs through sensitive public and private land. Point of use projects also increase energy reliability by reducing the potential for large-scale and cascading power outages and blackouts that can be triggered by man-made or natural disasters. Smaller projects are also much more likely to employ local labor in greater numbers, for more extended periods of time.

L-2

Construction, operation, and maintenance of large-scale projects often import specialized labor and material from out of the area and even from out of the country as occurred with Acconia Solar in Nevada that imported labor for Central America, much to the dismay of local union workers, and with the Kumeyaay Wind project on the Campo Reservation, that imported labor from Spain to construct the project and even to change the hydraulic fluids on their Spanish Gamesa turbines.

L-3

BAD, POC & ECCAC - Imperial Solar Center South Draft EIR/EA comments

Page 1

Comment Letter L
(cont'd.)

Under CEQA, an EIR is the correct project review

Imperial County is correct that an EIR is required due to the magnitude of the impacts from about two dozen renewable energy, transmission related infrastructure, mining and other large-scale development projects in a relatively concentrated geographic area of southwestern Imperial County, roughly outlined by the West Side Main Canal and the eastern boundary of the Anza Borrego Desert State Park that abuts the Ocotillo Wind project's western boundaries.

Under NEPA, an EIS is required for this project -- not the current EA.
A 2003 court decision reversed the BLM's 2001 EA/FONSI for the Sempra / Intergen transmission line ROWs in the very same area and required an EIS *after* a project was already constructed. Here, you have cumulative impacts to the Yuha ACEC and FTHL MA--regardless of whether it is a designated utility corridor or not.

An EA is not the proper NEPA document. A full EIS is required to address the significant and cumulative impacts to a variety of resources from at least 25 of the 48 projects listed between.

NEPA defines a cumulative impact as —the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7). Under NEPA, both context and intensity are considered. Among other considerations when considering intensity is —whether the action is related to other actions with individually minor but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts (40 CFR 1508.27(b)(7)).

The BLM has been down this road before when the DOE and the El Centro BLM office issued an EA and FONSI for Baja California Power Inc and Sempra Energy Resources to separately construct double circuit 230KV transmission lines, on the domestic portion located on BLM land, starting at two new power plants in Mexico, crossing the US/Mexico border, and terminating at SDG&E's the Imperial Valley Substation. On May 2, 2003, the United States District Court for the Southern District of California held that the EA and FONSI did not comply with NEPA, and on July 8, 2003, the court sent the matter back to the respective agencies for additional NEPA review: http://nepa.energy.gov/nepa_documents/noi/61796.pdf

DOE and the BLM (cooperating agency) prepared an **environmental impact statement** (EIS) addressing the Sempra and Intergen projects. <http://web.ead.anl.gov/bajatermoeis/>

More recently, the DOE, reconsidered their original proposal for an EA and determined that an EIS was the proper NEPA compliance document for a 1.7 mile (.65 miles in the US) transmission line

BAD, POC & ECCAC - Imperial Solar Center South Draft EIR/EA comments

Page 2

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-4:
Comment noted.

Response to Comment L-5:

The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require that the BLM as the federal lead agency, and the County of Imperial, as the local lead agency, evaluate the environmental impacts of each project and support their findings with substantial evidence in the record. If the federal agency prepares an EA and determines that the proposed federal action does not have the potential to significantly affect the quality of the human environment, then NEPA allows the agency to prepare a FONSI rather than an EIS. Whether a proposed action significantly affects the quality of the human environment is determined by considering the context and intensity of the action and its effects.¹ The expanded EA and its technical reports contain almost a thousand pages of analysis which is at the same level of detail as an EIS, including an alternatives discussion. There is no prejudice to the public or decision-makers from processing the EA due to this EIS-level detail and the extensive public outreach. CEQA's NEPA Task Force reported that "use of mitigated FONSI's often results in more mitigation than what is needed to reduce the adverse environmental impacts below the significance threshold."²

The Court's holding in the Sempra/Intergen case referenced in this comment did not mandate that all transmission line projects be evaluated with an Environmental Impact Statement (EIS). Rather, the Court found based on the specific facts relevant to the Sempra/Intergen project that an EIS is required for that specific project. The facts relevant to Imperial Solar Energy Center South project do not lead the BLM to that same conclusion. These facts will be included in the BLM's Decision Record for the project.

¹ 40 C.F.R. 1508.27.

¹ BLM NEPA Handbook at Section 8.1

² NEPA Task Force Report, at 70.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-5: (cont'd.)

The court ruling in the Semptra/Intergen case, found that the EA and FONSI for that project presented an inadequate analysis of: (1) the water impacts on the Salton Sea; (2) the potential for public controversy; (3) the cumulative impacts of the actions; (4) the impacts of carbon dioxide and ammonia emissions that would be generated from the proposed power plants; and, (5) an alternative which would have conditioned the permits on certain emissions standards.

Further, by way of comparison with respect to the Semptra/Intergen project and the proposed Imperial Solar Energy Center South project, the international transmission line projects analyzed in the Semptra/Intergen case were designed to transport power generated by gas fired power plants located in Mexico. The court findings regarding water quality impacts to the Salton Sea, the impacts of carbon dioxide and ammonia emissions from the power plants, and the lack of analysis of an alternative that conditioned the permits on certain emissions standards are all related to power generation facilities located in Mexico. The proposed Imperial Solar Energy Center South project would produce power derived from solar energy, not by burning fossil fuels in Mexico. A detailed analysis of the emissions and water quality impacts, both of which are less than significant with mitigation for both the construction and the operational phase of the project, is presented in the EIR/EA.

The court finding that the potential for public controversy was not properly analyzed with respect to the Semptra/Intergen project also does not apply to this project. All stakeholders were represented in the public policy debate over the increased use of renewable energy generation projects in the California legislature and California Energy Commission when the state established its renewable portfolio standard. The Imperial Solar Energy Center South project is executing that settled policy decision by increasing the generation of solar power. Furthermore, the record does not demonstrate a high level of public controversy, nor controversy with respect to expert opinions regarding the potential impacts of the proposed project.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-5: (cont'd.)

Likewise, the court's finding of inadequate analysis of cumulative impacts for the Sempra/Intergen project is based on a lack of cumulative impact analysis of water quality and quantity impacts on the New River and Salton Sea, and a failure to consider the combined impacts of future, specific power plants in the region. The water quality and quantity impacts cited result from gas-fired steam turbine power generation facilities. The proposed Imperial Solar Energy Center South project does not involve similar facilities (e.g., gas power plants). Finally, the alleged failure to consider the combined impacts of future, specific power plants in the region applies to this project is unfounded because the EIR/EA in Table 5.0-1 in Chapter 5- Cumulative Impact Analysis presents an analysis of 20 power generation or transmission projects in the region.

Finally, no significant land use impact was identified in the EIR/EA (e.g., see EIR/EA Section 4.2 Land Use). The EIR/EA fully analyzes the project's consistency with the Yuha Basin Area of Critical Concern ("ACEC") Management Plan and the management areas in the Flat-tailed Horned Lizard Rangelwide Management Plan (see EIR/EA page 4.2-13). The project has been designed to be consistent with the Yuha ACEC and FTHL Management Areas. As an example, the EIR/EA notes that the transmission line corridor is located in a previously disturbed area that has three existing transmission lines. To mitigate the possibility of any additional disturbance that would conflict with the plans, the project incorporates a number of general operations and maintenance and FTHL mitigation measures (see EIR/EA page 4.2-13). The proposed project's permanent impact is limited to approximately 6.8 acres of land within the designated Utility Corridor "N." As such, the project remains within the 1% cumulative disturbance area permitted in the El Centro BLM Field Office CDCA plan amendment that adopts the Flat-Tailed Horned Lizard Management Strategy. Thus, there is no significant cumulative impact.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-6:

Cumulative impacts were analyzed in the EIR/EA and are not significant with proposed mitigation. Therefore an EIS is not required on the basis of cumulative impacts. Furthermore, past, present and foreseeable future projects necessary to construct renewable energy facilities sufficient to meet the renewable energy portfolio levels in California and five other Southwest states have been analyzed in BLM's Draft Solar Energy Programmatic EIS (Solar Energy PEIS) that is currently undergoing public review. This project does not formally tier off of the Solar Energy PEIS in its draft form, but cites to the expert opinions and analysis in the PEIS and its technical reports to support its cumulative impact conclusions.

The EIR/EA properly analyzes 61 projects on the cumulative list established at the time of the Notice of Preparation under CEQA, which is the proper baseline for analysis. The list overstates the true impacts of these projects because not all of them will go on to be constructed due to failure to secure other necessary permits, failure to secure funding, competition over the same pool of federal funding assistance, etc. The Solar Energy PEIS estimates that about one-third of public land project applications for renewable energy may never be built.

Finally, the Imperial Solar Energy Center South EIR/EA does not provide a cursory analysis. The EIR/EA and its technical reports contain thousands of pages of analysis which essentially provide the same level of detail as an EIS, including an alternatives discussion and over 100 pages of cumulative impact analysis. There is no prejudice to the public or decision-makers from processing the EA due to this EIS-level detail and the extensive public outreach including:

1. Notice of Preparation with the commissions plan.
2. The EA was circulated for public comment for 45 days – the same amount of time as required for an EIS.
3. The EA remains available for public review at El Centro Public Library.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-6: (cont'd.)

A final EA will be available for public review before final action is taken.

Response to Comment L-7:

This comment is acknowledged, and the cumulative impact analysis provided in EIR/EA Section 5.0 Cumulative Impacts is consistent with 40 CFR 1508.7 and 1508.27(b)(7). Please also refer to Responses to Comments L-5 and L-6.

Response to Comment L-8:

Please refer to Response to Comment L-5.

Response to Comment L-9:

As discussed in Response to Comment L-5, each project is analyzed independently based on the relevant facts regarding the impacts of the project. The BLM's decision to process an EIS on a transmission line and wind power plant for the Sempra Generation's Energia Sierra Juarez US Transmission LLC Presidential Permit Application (ESJ Project) was based on the relevant facts specific to that project. There are many differences between the ESJ project, which would trigger the need for the preparation of an EIS, and the proposed project, where preparation of an EA is appropriate. These differences include, but are not limited to:

- The ESJ Project would introduce a new fire hazard area in a remote area of existing high fire hazards. The proposed Imperial Solar Energy Center South project is sited on agricultural land with little fire hazard risk associated with the operation of the solar facility.
- Under the proposed ESJ's 230-kV Route and 500-kV Route alternatives, construction of the transmission line would result in permanent potentially moderate-to-major adverse visual impacts due to land scarring. Wind turbines constructed in Mexico as part of the EJS Project would be visible from several U.S. locations, including locations in or near the communities of Jacumba and Boulevard, Interstate 8, Old Highway 80 and

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-9: (cont'd.)

the Anza-Borrego Desert State Park. Phase 1 of the ESJ Project includes 52 wind turbines at a height of 431 feet. At total build out this wind farm project will generate 1250 MW from 500 wind turbines. Accordingly, DOE visual resource impacts in Mexico were identified as significant issues triggering an EIS. Solar panels and transmission structures at the proposed Imperial Solar Energy Center South project do not rise 431 feet in the air and do not generate comparable visual impacts. Rather, the maximum height of the transmission towers is 140-feet, and would be located within an existing utility corridor where similar transmission facilities, including height, scale, and design characteristics already exist. The project would not introduce new structures in an open desert area, rather, it would limit the new structures to a portion of the County where such structures already exist, and where land is already designated as a utility corridor, thus, minimizing the visual impact to the region.

- The ESJ Project identified four special-status wildlife species during the project surveys including the northern red diamond rattlesnake, California horned lark, loggerhead shrike, and San Diego black-tailed jack rabbit. The ESJ Project area also includes critical habitats for Peninsular bighorn sheep, Quino checkerspot butterfly, and the California condor. The proposed Imperial Solar Energy Center South solar project mitigates all its biological impacts.
- The ESJ Project proposes impacts to the Las Californias Binational Conservation Initiative (whereas none are proposed with the Imperial Solar Energy Center South project); and,
- Construction and operation of the proposed ECO Substation switchyards and SWPL Loop-In are connected actions for the ESJ Project.

Comment Letter L
(cont'd.)

application. Sempra Generation's Energia Sierra Juarez US Transmission LLC Presidential Permit Application proposes a double circuit 230kV, or single 500kV, transmission line to cross the US Mexico border near Jacumba, terminating at SDG&E's proposed ECO Substation with a loop-in to the existing Southwest Powerlink. The DOE's DEIS comment period closed on November 1, 2010. See the DOE's ESI project website at <http://www.esiprojecteis.org/>.

As the El Centro BLM office is aware, the joint PUC/BLM DEIR/EIS for the Tule Wind, ECO Substation, and Energia Sierra Juarez projects was just released for public comment. The CEQA Environmentally Superior / Agency Preferred Alternative was determined to be the NO PROJECT Alternative based on adverse and unmitigable Class I impacts to Air Quality, Noise, Biological Resources, Visual Character, Cultural Resources:

http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Draft_EIR/00c-ExecutiveSummary.pdf

The BLM -Preferred Alternative in the joint DEIR/EIS for Tule Wind, ECO Substation, and Energia Sierra Juarez is a much reduced project, with removal of a significant number of turbines, substation relocations, and partial undergrounding of gen-tie routes:

<http://web.ead.anl.gov/bajatermoeis/>

**BLM's Utility Corridor N does grant automatic ROW for transmission line.
An EA does not provide for the proper environmental analysis for ACEC or FTHL MA**

At page 13, of the linked document, it states that the Yuha ACEA Management Plan was prepared to provide additional protections to unique cultural resource and wildlife values found in the region while also providing for multiple use management. **It further states that:** "The ACEC Management Plan allows for the traversing the ACEC by proposed transmission lines and associated facilities if environmental analyses demonstrates it is environmentally sound to do so."

http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/nepa/2010/ea/isec_west.Par.83568.File.dat/3ISECW_AffectedEnvironment.pdf

Conversion of Prime Farmland and rural open space to dense Industrial use and character with off-site impacts to Yuha ACEC and FTHL MA is not limited to this one project. There are cumulative impacts that must be analyzed.

The use of the 946.6 acres of prime farm land for the proposed 200 MW solar project is a much preferred alternative to the use of undeveloped BLM, or other public lands, however the conversion of prime active farmland, and the rural character and open space it represents, to a dense industrial park, with lots of 60- 140 foot tall poles and wires, to generate energy, for export out of the area, is not the best and highest use of the land. Once converted, it is unrealistic to believe that the farmland could return to its current productive state. Imperial Valley is one of the few places in the nation that can grow crops on a year-round basis. The proposed new 5-mile transmission line and 120' ROW across public BLM lands also adds significant and cumulative impacts to the Yuha Desert, Yuha ACEC, the Yuha FTHL MA, cultural resources, and much more. Those impacts are not addressed in this EIR/EA which makes it deficient.

L-9
(cont'd.)

L-10

L-11

L-12

L-13

L-14

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-10:

As discussed in Response to Comment L-5, each project is analyzed independently based on the relevant facts regarding the impacts of the project. The BLM's decision to support the No Project Alternative for the Tule Wind project process was based on the relevant facts specific to that project. The projects and facilities for a proposed wind farm project uses different technologies than a solar project and are located in a different biological area than the proposed Imperial Solar Energy Center South project. Therefore, the environmental impacts for the solar project are different, and the magnitude of the impact is much less, which has led the BLM to a different conclusion regarding the type of NEPA document necessary to analyze the project.

Response to Comment L-11:

Comment noted. Please refer to Response to Comment L-10.

Response to Comment L-12:

There has been no automatic grant of right-of-way (ROW) from the BLM. Rather, the project Applicant has submitted a Plan of Development (POD) and the BLM will make a decision whether or not to approve the POD based on many factors, including environmental impacts. As stated on EIR/EA page 2-52, "The project will require approval by the Bureau of Land Management (BLM) of a grant of right-of-way in order to allow the construction and operation of the proposed transmission lines, access/maintenance road including the portion of the proposed spur roads, and additional temporary construction areas within the Federal Lands by the BLM." No automatic approval has been given.

Response to Comment L-13:

Consistent with the ACEC Management Plan, the EIR/EA provides a detailed analysis and explanation of the project's environmental impacts within the designated Utility Corridor "N" and identifies mitigation measures necessary to reduce those impacts to below a level of significance. The environmental analysis for this project has been conducted to assess the environmental impacts of the

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-13: (cont'd.)
proposed project. Please also refer to Response to Comment L-12
and L-5.

Response to Comment L-14:
Please refer to Response to Comment L-5 and L-6.

The EIR/EA fully analyzes the project's direct, indirect and cumulative impacts to agricultural resources, including the important fact that the project proposes to restore the property back to agricultural use at the project's conclusion. Sections 3.9 and 4.9 of the EIR/EA document fully analyze impacts to agricultural resources. The owner is a farmer, with corresponding expertise in farmland conditions and what conditions are necessary to continue producing agricultural products at the site, negotiated a ground lease with the applicant that requires the property to be restored back to its agricultural use. Furthermore, the California Department of Conservation, experts in agricultural issue, list restoration of solar sites back to agricultural use as an accepted and encouraged mitigation practice.

In addition, because there is no long-term impact on the site's agricultural soils, this unique agricultural resource is not permanently and irreplaceably impacted. Only agricultural production at the site is temporarily impacted during the life of the project. In this sense, the project's agricultural impact is akin to a long-term fallowing of agricultural site where the soils are not impacted, just the interim agricultural production. At less than 1,000 acres of prime farmland, the impact of fallowing the site is less than the 25,000 acres of farmland IID proposed to fallow to create mitigation water for the Salton Sea. According to IID's Equitable Distribution Plan Negative Declaration, in 2003, IID implemented a rotation fallowing program to successfully create conserved water to deliver to the Salton Sea and now IID plans to increase fallowing incrementally to a maximum of about 25,000 acres. With the knowledge that the Proposed Project will be using less water, IID can fallow less than the 25,000 acres to produce the same amount of water needed to meet its transfer obligations and conserve water to deliver to the Salton Sea. As such,

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-14: (cont'd.)

the Proposed Project's indirect impact is that other farms that would have enrolled in IID's fallowing program, do not need to enroll and can continue their agricultural production. As such, on a regional basis, there is no significant reduction in agricultural production from the Proposed Project's temporary reduction in its agricultural use.

IID acknowledged in its Negative Declaration certifying the Equitable Distribution program that the fallowing necessary to provide the transfer and Salton Sea mitigation water (up to 25,000 acres) would not have a significant impact on agriculture. Figure 3 of the Negative Declaration shows how insignificant 25,000 acres of enrolled fallowing in the IID program is in comparison with the historic variation in fallowing levels in Imperial Valley. The EIR/EA incorporates these facts by reference into the Proposed Project's analysis and Response to Comments.

<http://www.iid.com/Modules/ShowDocument.aspx?documentid=240>

Therefore, not only does the Proposed Project reduce the need for as much fallowing under the Equitable Distribution Plan, but Figure 3 demonstrates, even without aiding the IID's Equitable Distribution Plan, the Proposed Project's long-term fallowing of agricultural lands is not significant compared to the historic levels of fallowing in Imperial County. As such, with the implementation of the Proposed Project's agricultural soil restoration plan, there is no significant unmitigated impact to agriculture.

The commentator's characterization of the proposed project site as a "Dense industrial park with lots of 60' – 140' tall poles and wires" is not an accurate description of the project. See photo from similar solar facility near Blythe.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-14: (cont'd.)

(photo of Blythe facility from 100 yards)



Comment Letter L
(cont'd.)

**Cumulative project Impacts are being segmented in violation of NEPA
Cultural Resources and need to consult**

Significant and Cumulative impacts to hundreds / thousands of cultural and historic resources, in a fairly concentrated geographic area, have already occurred and will occur in the future due to a proliferation of inappropriate approvals, and pending approvals, of large-scale energy projects (some projects are 10 and 20 square miles each), related transmission infrastructure projects, and other large-scale projects. This pattern of disrespect, violation of applicable laws, and destruction of irreplaceable resources is unacceptable and must change.

On page 3-87 of the Imperial-Mexicali DEIS, linked below, it states that a 2001 survey in the same general area as the transmission line for this project, documented 26 prehistoric sites, 23 of which were recommended as eligible for NRHP. Only nine of the sites had been identified prior to the referenced survey (Berryman and Cheever 2001b):

http://nepa.energy.gov/nepa_documents/docs/deis/EIS0365/Chapter_3-6.pdf

On December 27, 2010, La Cuna de Aztlan Sacred Sites Protection Circle, a Native American cultural protection group, filed lawsuit in the U.S. District Court, Southern District of California, challenging the Bureau of Land Management permitting processes regarding six large solar facilities planned for the Mohave, Sonoran and Colorado deserts of Southern California (Case No.10CV2664 WQH WVG), including an Imperial Valley Solar project slated to hook up to SDG&E's Sunrise Powerlink and the Imperial Valley Substation (<http://www.eastcountymagazine.org/node/5108>)

Prior to that, on December 15, 2010, in the Quechan Tribe v US Dept of Interior case, challenging the BLM's Section 106 consultation and Programmatic Agreement for Imperial Valley Solar, among other allegations, the Honorable Larry Alan Burns granted the Quechan Tribe's Motion for a Preliminary Injunction (Case 3:10-cv-02241-LAB -CAB Document 34 Filed 12/15/10)

In his Order Granting the Preliminary Injunction, Judge Burns made the following statement:

"Here, in enacting NHPA Congress has adjudged the preservation of historic properties and the rights of Indian tribes to consultation to be in the public interest. Congress could have, but didn't, include exemptions for renewable energy project such as this one. And, as pointed out, Congress could determine this particular project is in the public interest and sweep aside ARRA deadlines as well as requirements under NHPA, NEPA, and FLPMA to get it built. But Congress didn't do that, and instead made the determination that preservation of historical properties takes priority here, the Court must adopt the same view."

Native American monitors, and those representing tribal interests, tell us they are overwhelmed with the number and size of these many projects and the significant cumulative adverse impact they represent--not only to resources and Traditional Cultural Properties on and under the ground surface, but to culturally significant landscapes and mountains like Mount Signal, Coyote Mountain, areas of the Sierra Juarez and McCain Valley to the west. They have also expressed their dismay and alarm at the lack of respect, regard, and protection that is being provided by the BLM, other agencies, project developers and the consultants hired by the developers. Allegations have been made that once these resources are identified, in some instances, they simply disappear, are vandalized or even stolen.

L-15

L-16

L-17

L-18

L-19

L-20

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-15:

As part of the environmental process, the project has done field surveys and analysis and has designed the project to minimize impacts to cultural resources. The environmental document thoroughly analyzed and fully disclosed all potentially significant impacts to cultural resources for CEQA purposes. Cultural analysis and mitigation measures can be found in sections 3.7 and 4.7 of the EIR/EA. Without mitigation measures, the project would have a significant impact to two sites. However, with the implementation of mitigation measures CR1 through CR4, all potentially significant impacts to cultural resources would be mitigated to below a level of significance for CEQA purposes.

Under Section 106 of the NHPA, for NEPA purposes significance determinations and mitigation can only be determined through the consultation process. At this time, the consultation process is still ongoing, but the applicant has committed to executing a Memorandum of Agreement ("MOA") prior to the Decision Record. To the extent the Decision Record identifies any significant impacts, the applicant is obligated through the MOA to mitigate to below a level of significance. This avoids the controversy over whether a programmatic agreement provides adequate mitigation.

See Response to Comments L-5 and L-6 for additional analysis of the methodology for analyzing cumulative impacts.

Response to Comment L-16:

Comment noted. New cultural resource surveys were conducted in the areas of potential effect for the proposed project and are identified in EIR/EA Section 3.7 – Cultural Resources.

Response to Comment L-17:

Comment noted.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-18:

The proposed solar project is different from Tessera's Imperial Valley Solar project subject to the referenced lawsuit. Among the differences are the following:

- a. Project is constructed on disturbed farmland to minimize impacts to undisturbed desert habitat.
- b. Impacts to BLM land are minimized to approximately 10 acres within Corridor N in the California Desert Conservation Area ("CDCA") plan designated for ROW use with the proper environmental mitigation and analysis.
- c. Entire site surveyed for cultural resource impacts and roads and transmission towers have been rerouted and placed to avoid impacts to all but one cultural resource.
- d. Mitigation of Cultural Site provided in EIR/EA, which will be supplemented with an executed Memorandum of Agreement ("MOA"), not a Programmatic Agreement.
- e. Project has been actively consulting with the Quechan tribe and is going to execute an MOA to avoid tribal and court criticism that execution of a Programmatic Agreement does not conclude the tribal consultation or satisfy the National Historic Preservation Act ("NHPA").
- f. Project lease requires restoration of land back to agricultural use at conclusion of the project.

Please also refer to Response to Comment L-19.

Response to Comment L-19:

The quote from the judicial injunction in the December 15, 2010 lawsuit filed by the Quechan Tribe is noted. However, the proposed Imperial Solar Energy Center South project does not assert that it does not need to comply with the NHPA, NEPA, FLPMA, or the deadlines in the ARRA. In fact, the proposed project is complying with these statutes. The proposed Imperial Solar Energy South project is engaged in the Section 106 tribal consultation process. This project is

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-19: (cont'd.)

expected to be processed with a finding of no adverse effects or Memorandum of Agreement that will conclude the NHPA-required tribal consultation, rather than a Programmatic Agreement that the court in the Quechan Tribe v US Department of Interior case found did not satisfy the NHPA or conclude the tribal consultation.

Response to Comment L-20:

Comment noted. The proposed project is engaged in the Section 106 tribal consultation process with the utmost respect and regard for the cultural resources at the site. This project is abiding by confidentiality rules required by the NHPA to assure cultural resources are not stolen. This project is expected to be processed with a Memorandum of Agreement that will conclude the NHPA-required tribal consultation.

Comment Letter L
(cont'd.)RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)**An EIR is required in order to complete an adequate environmental analysis to demonstrate compliance.**

A quick add up of impacts from an *incomplete and conflicting list of the projects* in Tables 5-1 & 2, that impact BLM land and resources in the SW corner of the County, and/or connect to the IV Substation, include but are not limited to the following approximate impacts:

- 11 new transmission / gen-tie connections to the Imperial Valley Substation within the Yuha ACEC and FTHL MA.
- About 150 miles of new and upgraded (18 miles) lines--most on BLM land
- 2 - new 500 kV lines including the Sunrise Powerlink
- At least 6 new and one upgraded 230 kV lines
- At least 4 new lines within in Corridor N that lies within the Yuha ACEC and FTHL MA
- At least 1 new 138 kV line and 1 rebuilt 138 kV line
- At least 4 new 230 kV Substations
- 2, 196 MW
- 42,500 acres of BLM land
- 5,113 acres of farmland being converted from rural open space to dense industrial use
- 300 acres of Yuha FTHL MA
- At least 93 acres of Sonoran creosote
- At least 4 projects that acknowledge impacts cultural resources. One project alone impacts 328 known sites.
- 7 projects that impact the Yuha ACEC
- 7 projects that impact FTHL
- 6 projects that impact Burrowing Owls
- 840 acres of CDFG streambeds
- 165 acres of Waters of the US

Many of the projects listed in Table 5-1 & 2 did not have information readily available to include so the list above should be considered incomplete and subject to increased numbers and impacts when the information becomes available information.

The Cumulative Projects Map at page 7 of this linked document, shows the footprints of the 15,000 acre Ocotillo Express Wind and the 3,912 acre Renewergy LLC wind projects noted below, from the Tule Wind, ECO Substation and Energia Sierra Juarez PUC/BLM DEIR/EA (http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/Draft_EIR/P_Cumulative.pdf)

Table 5 -1 errors include but are not limited to the following:

- RENEWERGY, LLC, CACA 048004, Wind project proposed for 3,912 acres of BLM land NW of Imperial Valley Solar, east of the Ocotillo Express Wind project (3 sites) location, and transected by the Southwest Powerlink and the Sunrise Powerlink, is missing from this table and review.

L-21

L-22

L-23

Response to Comment L-21:

A robust environmental analysis is presented in Chapter 5.0 of the EIR/EA where the impacts of the proposed action, past, present and reasonably foreseeable projects are analyzed in 278 pages of cumulative impact analysis. We note the commenter has re-listed and summarized information presented in Draft EIR/EA Tables 5-1, 5-2, and 5-12, thus demonstrating the EA has disclosed these impacts as part of the cumulative impacts and information that was used to complete the cumulative impact analysis. Experts in land management and natural resource management on both private and public lands were consulted in the development of the list of "reasonably foreseeable" projects. The cumulative list was established at the time of the Notice of Preparation under CEQA, which is the proper baseline for analysis. The list overstates the true impacts of these projects because not all of them will go on to be constructed due to failure to secure other necessary permits, failure to secure funding, competition over the same pool of federal funding assistance, etc. The Solar PEIS estimates that about one-third of public land project applications for renewable energy may never be built.

The comment's methodology of simply amassing the impacts from the listed projects fails to provide the necessary context for determining whether these aggregated impacts are significant. The comment fails to identify what mitigation has been provided by these listed projects to reduce their impacts. The post-mitigation impacts of these project is much smaller and given the vast territory of the BLM land and non-BLM land that contain these resources, the cumulative impacts are not significant.

BLM's conclusion is also supported by the expert opinions and studies provided in the draft Solar PEIS which analyzed all potential projects necessary to generate renewable energy at the renewable portfolio levels in each of six southwestern states, including California, where this project is located. This project does not formally tier off of the Solar PEIS in its draft form, but cites to the expert opinions and analysis in the PEIS and its technical reports to support its cumulative impact conclusions.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-22:

Comment noted. However, the three projects identified do not lie within the boundaries of the Yuha FTHL Management Area (YFMA). As described in Section 5.12, the geographic scope for cumulative impact analysis on biological resources is the YFMA, therefore these projects were not specifically considered in the biological analysis. However, the final EIR/EA cites to the cumulative analysis (for biology and all other impacts) presented in the Solar PEIS, which does include these projects because they are among the renewable energy development projects proposed to assist California in meeting its renewable energy portfolio standard.

Response to Comment L-23:

Renewergy LLC, BLM serial number CACA 048004 is for a meteorological station which has minor impacts. The proposed Renewergy LLC wind project, CACA 52186, application was received July 16, 2010, after the NOP date for this project.

Ocotillo Express Wind project was included in Table 5-2 and excluded from Table 5-1 of the Draft EIR/EA, this has been corrected in the Final EIR/EA in Table 5.0-1.

The correct figures for the North Gila to Imperial Valley transmission line will be corrected in the Final EIR/EA.

Regardless of the listed projects, the final EIR/EA provides a thorough analysis of the cumulative impacts by citing to the expert opinions and technical studies supporting the cumulative analysis presented in the Solar PEIS because these projects are among the renewable energy development projects proposed to assist California in meeting its renewable energy portfolio standard.

Comment Letter L
(cont'd.)

- The 15,000 acre Ocotillo Express Wind project (3 applications) is listed as # 34 under County jurisdiction but is also absent from the list of BLM jurisdiction projects.
- North Gila to Imperial Valley #2 (Southwest Transmission Partners 75 mile 500kV) has conflicting information regarding BLM acreage, showing both 1,903 acres and 13,881.02 with impacts listed at only 450 acres and approximately 3 acres of Yuha FTHL MA disturbance.

Figure 5-1 errors: There are 47 project in table 5-1 and 5-2 but only 43 project shown on the map. BLM projects should have numbers on the map showing the BLM listed projects in Table 5-1 #18: IV Solar footprint is located north of I-8, not at the border. The map needs to be changed. #43 is on the map near Ocotillo and is reportedly misidentified as SDG&E Photovoltaic Solar Field that is proposed adjacent to the IV Substation. Please correct this error and properly ID the correct project proposed for that area. There are many other discrepancies that need to be corrected.

**Cumulative impacts to FTHL & Burrowing Owl
are not addressed with this EA**

Table 5-1: Impacts to 326 acres of FTHL management and Burrowing owl habitat are listed just for the BLM projects. And the BLM project list is incomplete, with at least another 18,000 acres of wind energy projects not included. Projects on private land will result in additional impacts that need to be analyzed and addressed in the joint DEIR/EIS. Projects and project impacts not listed include the proposed Ocotillo Express Wind project, currently undergoing formal EIR/EIS scoping, the Renewer LLC wind project proposed for 3,912 acres of BLM land, and SDG&E's proposed 100 acre Photovoltaic Solar Field adjacent to the IV Substation where "impacts to biological resources have yet to be assessed fully."

Impacts to Golden Eagles and Bighorn Sheep from Sunrise Powerlink and other cumulative projects are not addressed or analyzed. Sunrise Powerlink is not yet constructed and is the subject of unresolved state and federal lawsuits

The following statement, showing project reliance on Sunrise was taken directly from SDG&E's linked news release posted on their own website: <http://sdge.com/sunrisepowerlink/release18.html>

"The power generated by the new Imperial Solar Energy Center South will be delivered to customers in SDG&E's service territory across the Sunrise Powerlink, a 120-mile, 500-kilovolt electric transmission line, which was designed to tap into the vast renewable resources of the Imperial Valley. When completed in 2012, the new power line is expected to carry up to 1,000 MW of electricity. Without the Sunrise Powerlink, many renewable energy facilities in the Imperial Valley would have no clear path to the San Diego County market."

If Imperial Solar Center South is in deed reliant on the Sunrise Powerlink, which originates at the Imperial Valley Substation, then those cumulative impacts, including those to Golden Eagles and Bighorn Sheep that have also been sighted and documented in areas impacted by Sunrise and Connected Action and other cumulative impact projects must be recognized and addressed. BLM cannot

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-24:

The map in the Final EIR/EA has been updated to include projects, project locations and project footprints as appropriate.

Response to Comment L-25:

Project is consistent with the FTHL Rangewide Management Strategy for the protection of Flat Tail Horned Lizard and will mitigate for impacts to FTHL habitat. The area in which the transmission lines would be constructed is located in the Yuha Basin ACEC and in the Yuha Desert Management Area for the flat-tailed horned lizard, a sensitive species. Flat-tailed horned lizard habitat occurs within the areas that would be affected by the proposed transmission line route. Mitigation measures would be implemented to minimize impacts to the species in accordance with the FTHL Rangewide Management Strategy. These measures include a designated biologist to monitor during construction phases and delineation of the boundaries of disturbed areas and the clearing of FTHL from those areas, among others. See also Response to Comments L-5 and L-6.

The methodology used to prepare the cumulative impact analysis is described in the EIR/EA in Chapter 5.0. The area of cumulative impacts varies by resource category. For example, air quality impacts tend to disperse over a large area, while traffic impacts are typically more localized. For this reason, the geographic scope for this analysis must be identified for each resource area. The geographic scope used for analyzing cumulative impacts on biological resources is the flat-tailed horned lizard (FTHL) habitat in California, more specifically the Yuha Desert FTHL management area. Table 5.1.12-1 lists the approved and proposed projects within the Yuha Desert FTHL management area.

The Ocotillo Express wind project is listed on Table 5.0-1 "Cumulative Projects within the Jurisdiction of the County of Imperial". This project is located several miles west of the of the Yuha FTHL MA western boundary and therefore was not listed among the projects that were analyzed in detail for cumulative effects for FTHL.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-25: (cont'd.)

The proposed Renewergy LLC wind project, CACA 52186, application was received July 16, 2010, after the NOP date for this project. Further, the proposed project is located outside the Yuha FTHL MA, therefore it was not listed among the projects that were analyzed in detail for cumulative effects for FTHL.

The SDG&E solar project proposed within the Yuha FTHL MA, adjacent to the Imperial Valley Substation, was not listed among the projects that were analyzed in detail for cumulative effects to FTHL habitat because SDG&E has not submitted a complete plan of development to the BLM.

Nevertheless, all past, present and foreseeable future renewable energy project impacts, both inside and outside the Yuha Desert FTHL management area have been analyzed at some level of detail because they are among the projects necessary to construct renewable energy facilities sufficient to meet the renewable energy portfolio levels in California and five other Southwest states were analyzed in BLM's Draft Solar Energy Programmatic EIS (Solar Energy PEIS) that is currently undergoing public review. This project does not formally tier off of the Solar Energy PEIS in its draft form, but cites to the expert opinions and analysis in the PEIS and its technical reports to support its cumulative impact conclusions. BLM, California and the 5 other states have not yet constructed or approved plans of development for renewable energy projects at a level that would meet or exceed their respective renewable energy portfolio requirements. As such, the impacts from the majority of projects listed in Table 5.0-1 and those the commenter request be considered have already been considered in some level of detail in the analysis of the Solar PEIS. Section 5.0 of the Final EIR/EA provides a detailed cumulative analysis for the Proposed Action and Alternatives.

This addresses the otherwise impossible task of analyzing and re-analyzing a constantly changing list of renewable energy project applications and plans of development that are filed between the time the Proposed Project's Notice of Preparation is published and the

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-25: (cont'd.)

time public agencies determine whether to approve the Proposed Project. A public agency can identify impacts from specific projects with specific plans of development at the time the baseline for analysis is established (i.e., the Notice of Preparation) with a certain level of detail, which the EIR/EA does. Each time a new renewable energy project is proposed after the baseline is established, it is not feasible for a public agency to redo the entire cumulative impact analysis. Otherwise, no project's cumulative impact analysis could ever be completed. Instead, it is proper for public agencies to understand the impacts of such new projects in the context of a macro-analysis at a certain level of planned development, which in this case is the level of development needed to achieve the renewable portfolio standards established by each of six states in the Southwest region, including California.

Response to Comment L-26:

All of the Project's potentially significant adverse biological impacts are mitigated to a less-than-significant level, including potential impacts to burrowing owl habitat. Mitigation Measures that avoid, minimize, or mitigate the potential impact to burrowing owls are identified in EIR/EA pages ES-39 to ES-41 (Mitigation Measure B3).

In regards to the golden eagles and bighorn sheep, the various biological surveys did not identify any of the species on the project site (see EIR/EA pages 3.12-18 and 3.12-35 and Table 3.12-4). The EIR/EA analyzed impacts to the golden eagle and determined that it was unlikely any would nest or forage on the project site due to the distance of the nearest nesting habitat (see EIR/EA page 3.12-34). The EIR/EA analyzed the likelihood of the species to occur within the survey area and determined that given the distance from suitable rocky terrain, sparse vegetation within the survey area, lack of detection within the survey area, and the unlikelihood for the survey area to serve as a bighorn sheep corridor (see EIR/EA page 3.12-27). Because the Proposed Project has no impact to these species, there is no nexus between the Proposed Project and any cumulative impact other projects may have on these species.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-26: (cont'd.)

Finally, the impacts to bighorn sheep and golden eagles from other renewable energy projects were analyzed at the macro level in the Solar PEIS.

Comment Letter L
(cont'd.)

segment full review and analysis of the cumulatively significant impacts from projects located on the desert floor in addition to multiple projects proposed in the BLM's Eastern San Diego County RMP area and in the Sierra Juarez of Northern Baja.

Cumulative Impacts to Visual Resources:

Visual impacts should not be limited to 5 miles when viewsheds extend far beyond 5 miles. An entire 10 mile and more corridor along I-8 is on track for industrialization and destruction of mostly undisturbed desert landscapes, habitat, and resources. Significant and cumulative visual impacts are being segmented, piecemealed, and understated. Visual resources can also represent culturally significant landscapes such as the views and line of sight between Mt. Signal and Coyote Mountain and sites in McCain Valley visible from the desert floor.

The KOP near Clark Road is a good representation of the open rural landscape that will be converted into a fenced off high-density industrial energy park with numerous on-site and off-site power poles, transmission lines, and switchyards. The on-site cables should be buried underground instead of overhead.

The existing, proposed, and reasonably foreseeable projects that add to the degradation / destruction / conversion of the current visual resources / viewsheds (along with all the other at-risk resources mentioned in this letter) include but are not limited to the following partial list (most information found in Table 5-1 & 5-2) :

- SDG&E's Imperial Valley Substation (IV Substation)
- SDG&E's existing 500 kV Southwest Powerlink originating at their IV Substation
- SDG&E's existing 230 kV IV-La Rosita 6 mile transmission line / 120' wide easement from the US Mexico border, terminating at their IV Substation.
- Two existing double circuit 230kV transmission lines connecting Semptra and Intergen gas-fired power plants in Baja to SDG&E's IV Substation, both 120' wide by 6 miles.
- SDG&E's approved , not yet built, 500 kV Sunrise Powerlink / 120' wide corridor connected to their existing IV Substation. Federal legal challenge against the BLM and FWS approvals is still unresolved. A Motion for Summary Judgment was filed with the US District Court by Plaintiffs on December 21st.
- Proposed Imperial Energy Center - West 230 kV transmission line 120' by 5 miles to connect the project on private land to SDG&E's existing IV Substation
- IID "S" Line Upgrade proposed to replace 18 miles of single circuit 230 kV overhead lines on wooden poles with double circuit 230 kV lines on approximately 285 new steel poles. Much more industrial in appearance and increase energy capacity.
- Imperial Valley Solar (Stirling Two) , approved for 18,000 SunCatchers (38' x40') on 6,500 acres (6,100 BLM) , new 230 kV on site substation with 10.3 mile double 230 kV lines connecting to the IV Substation. Visual impacts considered significant and unmitigable. Federal court injunction currently in place over significant cultural resource impacts and allegations of inadequate consultations. (SDG&E PPA 300 MW)

L-26
(cont)

L-27

L-28

L-29

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-27: (cont'd.)

The EIR/EA does not identify any significant short-term or long-term impacts to visual resources pursuant to analysis of the viewshed by experts who selected a viewshed radius accepted within the expert's industry, which public agencies are entitled to rely on. The EIR/EA discloses that the installation of the solar facility would change the existing character of the site. However, due to the flat topography of the solar energy facility site, the EIR/EA states that it will not be visible from any protected viewpoint (see EIR/EA page 4.1-2). Because the project site is not visible from any surrounding protected view point, the proposed project would not obstruct lines of sight to Mt. Signal, Coyote Mountain, or other surrounding visual resources. Furthermore, the project site is not located within the viewshed of McCain Valley, which is located in east San Diego County, far removed from the viewshed of the proposed project.

The EIR/EA concludes that the project's transmission line visual impacts are less than significant because the towers are aligned in the corridor with the existing BLM-designated utility corridor and would be similar in size, scale, and character as the existing facilities (see EIR/EA page 4.1-6).

The comment states that more analysis is needed of the cumulative impact of this project to a ten-mile stretch of I-8 where other renewable energy development projects are planned. However, this portion of I-8 is not a designated scenic highway or protected view corridor. To the extent other renewable energy projects create a significant adverse visual impact on a protected viewshed, those impacts cannot be combined with the proposed solar project because this project does not contribute any impact to those resources. The comment incorrectly assumes that each and every renewable energy project must be part of a cumulative impact to a resource regardless of whether there is any nexus between a proposed project and the resource.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-28:

The EIR/EA analyzes the impacts to visual resources in Section 4.1, considers the existing visual character to determine the Proposed Action's consistency with the surrounding area, and visual resource management standards. While the Proposed Action would change the existing visual character of the site from existing agriculture land to a solar energy facility, the site is not visible from any KOPs and would not substantially degrade the existing visual character or quality of the site and its surroundings.

As stated in the EIR/EA, the project may be constructed with an underground collection system for on-site transmission wires, but there is no requirement for the EA/EIS to assess the feasibility of undergrounding where, as here, there is no significant environmental impact to mitigate.

The commentator's characterization of the proposed project site as a "high-density industrial park" is not an accurate description of the project. See photo from similar solar facility near Blythe.

(photo of Blythe facility from 100 yards)



RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-29:

The EIR/EA analyzes the impacts to visual resources in Section 4.1, considers the existing visual character to determine the Proposed Action's consistency with the surrounding area, and visual resource management standards. While the Proposed Action would change the existing visual character of the site from existing agriculture land to a solar energy facility, the site is not visible from any KOPs and would not degrade the existing visual character or quality of the site and its surroundings.

The comment states that more analysis is needed of the cumulative impact of this project to 14 other renewable energy related projects. To the extent other renewable energy projects create a significant adverse visual impact on a protected viewshed, those impacts cannot be combined with the proposed solar project when this project does not contribute any impact to a protected viewshed. The comment incorrectly assumes that each and every renewable energy project must be part of a cumulative impact to a resource regardless of whether there is any nexus between a proposed project and the resource.

The EIR/EA discloses the potential impacts from a terrorist attack and determined that there were no significant impacts as a result of a terrorist attack or an intentionally destructive acts (EIR/EA page 4.10-9). In addition, it found that any such acts would not substantially impact continued electric service. California's electrical grid is built with redundancy mechanisms to keep electrical service reliable, including power sharing agreements and peaker power plants that are activated when service is interrupted at a particular generation source, regardless of whether the source of disruption is a terrorist attack or an earthquake.

Comment Letter L
(cont'd.)

- C Solar Development LLC South proposed 230 kV line 5.7 mile ROW (CACA 051645) in Yuha Basin ACEC and Yuha Desert FTHL MA to connect 200 MW solar project on 903 acres of private farmland to connect to the IV Substation. ROW will follow Dixieland alignment north from border.
- SDG&E 's proposed 12-14 MW solar project on 100 acres of BLM land directly adjacent to their IV Substation (CACA 051625). Biological impacts not yet assessed.
- Southwestern Transmission Partners proposed 75 mile double circuit 500 kV transmission lines from the North Gila Substation to SDG&E's IV Substation (CACA-51575. 13,881 acres of BLM land. Route is parallel to SDG&E's Southwest Powerlink
- Proposed connection of IID "S" Line from Dixieland Substation to IV Substation route following existing 230 kV route from border within Yuha Basin ACEC and FTHL MA. 20 acres of impact to FTHL and Western burrowing owl.
- Ocotillo Express LLC's proposed 550 MW wind project on 15,000 acres (23.5 sq miles) of BLM land west, north, and south of the community of Ocotillo. The project will require a proposed Amendment to the CDCA, new transmission lines and a on-site new substation. Scoping comments on the joint BLM/Imperial County DEIS/EIR are due by January 21, 2010:
http://www.blm.gov/ca/st/en/info/newsroom/2010/december/cdd1116_ocotillowind.html
Map showing the Ocotillo Express wind project location is not 5 miles from Ocotillo as stated:
http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/cdd/energy/0.Par.53015.File.dat/CACA051552_for_Web.pdf
- RENEWERGY, LLC, CACA 048004, wind project proposed for 3,912 acres of BLM NW of Imperial Valley Solar, east of the Ocotillo Express Wind project (3 sites) location, and transected by the Southwest Powerlink and the Sunrise Powerlink. The IV Substation is the most likely location for the project gen-tie line.

The list above is much longer, but time constraints do not allow me to complete the list for this letter. The projects listed in Table 5 1-2 are a good start. Concentration of existing and proposed large-scale energy projects and transmission lines originating and terminating at the Imperial Valley Substation site raise alarms and concerns with grid security and safety in the event of a major earthquake or an act of sabotage by domestic or foreign terrorists.

Light, Glint & Glare

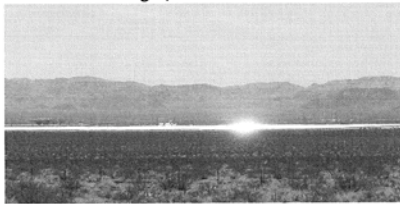


Photo source: Basin and Range Watch Nevada Solar One project near Boulder.
<http://www.basinandrangewatch.org/Alerts.html>

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-30:

Depending on the type of system and solar technology employed, solar energy projects can produce glare. The technologies used on certain projects use mirrors to reflect light onto a collector, which can create a source of glare. However, the proposed project would utilize a different technology. The proposed project's photovoltaic panels will be constructed of non-reflective surfaces, absorbing light rather than reflecting it. Therefore, the EIR/EA properly determined that the photovoltaic modules would not adversely affect glare because they are non-reflective (see EIR/EA page 4.1-8).

As the comment recommends, the project-related security lighting will be shielded and directed downward to prevent further light pollution to Dark Skies in rural areas to aid in local recreation and scientific research.

Comment Letter L
(cont'd.)

Cumulative impacts from potential glint and glare from thousands upon thousands of solar panels, dishes and / or tracking units, can effect drivers on I-98 and other local roadways and on low-flying aircraft pilots, and must be recognized, analyzed and addressed. Those aircraft include Homeland Security, and military using the NAF at Seeley and the route of travel along the I-8 corridor from the coast to bases in Arizona and further east. At the hearings for the Imperial Valley Solar project, it was revealed that glint and glare could create problems for drivers, pilots and from other elevated positions such as the adjacent Coyote Mountains. Project related security lighting should be shielded and directed downward to prevent further light pollution to Dark Skies in the rural areas that serve both recreation and scientific research.

Air Quality:

It is unrealistic to expect that twice a year mirror washing will be adequate to operate sensitive solar units efficiently for the highest energy output, especially when located where the desert soil will be disturbed and much more vulnerable to erosion through related traffic and blowing wind. There has also been a reported surge in Valley Fever cases in Imperial Valley. Cumulative impacts need to be recognized and addressed that will result from a long list of projects proposed to convert thousands of acres of currently irrigated farmland and tens of thousands of acres previously undisturbed desert soils and desert pavement into energy parks, with dry loose soil, that is much more susceptible to wind and monsoonal erosion, and potential increased cases of Valley Fever and the already high levels of asthma.

Public Services: Fire, Medical, Police:

Imperial County should require adequate mitigation to cover the increased burden on public services from multiple projects, especially in such a rural and generally underserved area. Fires can and will occur at new and remote new substations, transformers and inverters associated with numerous new energy projects. Developers must pay their fair share of the costs.

Cumulative impacts from a long list of proposed projects can result in a real strain on public services and budgets due to increased traffic, increased traffic and construction accidents, and fires sparked by significantly increased electrical infrastructure and malfunctioning components including solar units, substations, inverters, transformers, gen-tie lines, lightning strikes, bird strikes, and more.

Important fire fighting /funding issues related to a massive fire at a solar energy project were revealed during the CEC Staff Rebuttal Testimony for the joint CEC/BLM CEQA/NEPA review of the Imperial Valley Solar project and impacts on local services. The recent story below is an example.

L-30
(cont'd.)

L-31

L-32

L-33

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-31:

The comment asserts that converting previously irrigated farmland to desert soils will result in significant air quality impacts. The EIR/EA analyzes air quality impacts resulting from open area source emissions during operations (Section 4.4 Air Quality). The EIR/EA discloses that the project construction activities have potentially significant impacts to air quality (EIR/EA pages ES-16 to ES-21). These potential impacts are reduced to below a level of significance with Mitigation Measures AQ1 through AQ3, as identified in the EIR/EA. Potentially significant impacts from construction grading would be avoided or mitigated through compliance with the APCD dust control measures and activity rescheduling during periods of high ambient concentrations (EIR/EA pages ES-16 to ES-21). During the operational phase, ground cover will be planted and watering the site as necessary to reduce dust impacts to below a level of significance. Panel washing is expected to be based on the desert elements that occur in the region. Unlike Solar Energy Production systems that utilize mirrors, the photovoltaic panels proposed for the site are less sensitive to dust accumulation. The addition of panels to sites within the desert climate have been found to reduce the amount of dust generated by wind.

The project also does not create a cumulatively considerable impact on air quality through its compliance with applicable federal, state, and ICAPCD regulations, which take into account the levels of emissions from planned growth in Imperial County (EIR/EA pages 5-79 to 5-100). This project is consistent with the General Plan and therefore its emissions were part of the modeling the air quality agencies used in establishing regulatory requirements to avoid a cumulative air quality impact.

The EIR/EA also states that the project may result in water-driven soil erosion, but these impacts are reduced to a less than significant level through a Storm Water Pollution Prevention Plan and a dust control plan (EIR/EA Mitigation Measures AQ2 and HWQ1).

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-27: (cont'd.)

Because the project's impacts to dust levels are not significant, there is no potentially increased risk to dust-related health issues such as Valley Fever or asthma.

Response to Comment L-32:

The EIR/EA analyzed whether impacts to public services such as fire, medical, police, and water were potentially significant and determined that there would be no significant impacts (see EIR/EA Section 7.2).

This comment states that the EIR/EA did not properly analyze impacts to fire services because there could be a fire at the photovoltaic site or transmission line. The EIR/EA based its determination of no significance on the project's fire prevention and suppression features and the vegetation type surrounding the solar array and transmission line. The project will provide extensive fire suppression technologies and sufficient water storage as part of its Fire Protection and Prevention Plan (see EIR/EA pages 2-24 to 2-26). No significant environmental impacts to police and medical services has been identified. The project will require a small number of employees for operation, a security fence will be provided around the site, and a sophisticated security system and a security guard will be employed (see EIR/EA section 7-2 to 7-3).

Response to Comment L-33:

Please refer to Response to Comment L-32.

Comment Letter L
(cont'd.)

Transformer Fire At SDG&E Substation Extinguished *Substation Located In 500 Block Of Enterprise Street In Escondido*
POSTED: 3:07 pm PST December 22, 2010



Photo above, and news story below, on the Dec 21, 1010 fire were posted at www.10News.com

L-33
(cont'd.)

Comment Letter L
(cont'd.)

"ESCONDIDO, Calif. -- A stubborn fire sparked when an electrical transformer exploded at a North County utility substation continued to burn for a second day Thursday, until crews ultimately were able to suffocate the flames with a chemical foam. The non-injury blaze at the San Diego Gas & Electric facility in the 500 block of Enterprise Street in Escondido erupted shortly after noon Wednesday. About an hour later, city officials used a reverse 911 system to urge residents within a mile of the heavily smoky fire to limit their time outdoors in the area as much as possible as a health precaution. Crews initially tried to let the blaze, which was burning in a roughly 30- by-30-foot area, burn itself out. Late Wednesday evening, they tried in vain to extinguish it with foam. The blaze kept burning until firefighters attacked it once again with the chemical suppressant this afternoon. The effort finally succeeded shortly before 2:30 p.m., police Lt. Craig Carter said."

Here is a link with photos of other transformer fires:

http://www.google.com/images?rlz=114ADRA_enUS366US366&q=substation+fires&um=1&ie=UTF-8&source=univ&ei=9BAkTrBlc148AaCx9zNDQ&sa=X&oi=image_result_group&ct=title&resnum=3&ved=0CDUQsAQwAg&biw=1899&bih=867

Water:

This project's contracted water source, and possible diversion from another end use, must be documented and analyzed along with cumulative project impacts.

The estimated amount of water needed to wash mirrors appears vastly underestimated as is the only twice a year washing predictions. It is unclear if the project has contract for delivery of water from IID. Doesn't the IID require that recycled water be used for renewable energy projects before Ag water is used? Even recycled water is difficult to come by as evidenced by the IV Solar project proposed use of water from the Seeley Waste Water Treatment Facility that required a major investment and rebuild. It is alarming to see all the water that is, and will be diverted, to uses other than farming, including a growing list of renewable energy projects, diversion of recycled water from the Salton Sea, and farm-to-city transfers. Diversion of water going to the sea requires that farmers do even more than is already being done to both conserve water and address the increasing salinity of the Sea. All of these issues represent cumulative impacts to water resources, the Salton Sea, and to farmers and farming viability in general

Responses to professed public benefits:

1) Solar energy still requires backup generation which is usually from gas-fired power plants. The more intermittent energy projects that approved, the more backup generation is required. 2) Those backup gas-fired power plants still need to be built and fueled. 3) Where are the contracts ensuring that local and state contractors and suppliers will benefit from this project.

The developer and SDG&E should be required to demonstrate which sources of green house gases will be eliminated based on the construction and operation of this project. Solar energy still requires backup generation which is usually from gas-fired power plants. The more intermittent energy projects that approved, the more backup generation is required.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-34:

Contrary to the commenter's speculation regarding the amount of water needed to wash solar "mirrors", the Proposed Project does not underestimate the amount of water needed to clean the solar panels. Photovoltaic technology differs from solar thermal technology. Solar thermal technology uses mirrors to reflect and concentrate the sun's energy, it is extremely important to keep the mirrors clean; however with photovoltaic panels, there is only a minor decrease in productivity from dirt or dust accumulating on the panels so washing more than twice a year is not necessary.

The EIR/EA properly analyzed and disclosed potential impacts to water and concluded that there are no significant effects because the water use would decrease from the current 7,612 acre-feet per year to 5 acre-feet per year, most of which is used for solar panel washing. Even if the EIR/EA incorrectly underestimated the number of acre-feet per year needed to wash the solar panels, which it did not, and assuming that true water usage were ten times that disclosed in the EIR/EA, it would still be miniscule compared to the existing water demand at the project site.

Because the project is using considerably less water than the existing baseline, it is assisting IID in meeting its legal obligations to transfer water and supply the Salton Sea with mitigation water. This means fewer acres of farmland that also contribute to water flow into the Salton Sea during active use as farmland must be fallowed in order for IID to generate the Salton Sea's mitigation water or generate water supplies to transfer to other water districts.

Since there is no nexus between the project and any adverse impact on water supply compared to the baseline, it cannot have a cumulatively considerable impact with other projects that may have an effect.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-35:

The comment states that additional intermittent energy projects (such as solar projects) will require additional backup generation is inaccurate because solar energy projects produce energy during peak energy demand times during the day when it is hottest and air conditioning use is increased, thus system-wide reducing the need for as many peaker plants or for existing peaker power plants to run as much. The Solar PEIS provides expert opinion and factual analysis to support this and the benefits of utility-scale solar project to global climate change. PEIS 6-97 to 6-98. It states the following:

Utility-scale solar energy development contributes to relatively minor GHG emissions as a result of emissions from heavy equipment, primarily used during the construction phase; vehicular emissions; and natural gas or propose combustion from backup generators. The removal of plants from within the footprint of solar facilities would reduce the amount of carbon uptake by terrestrial vegetation, but only by a small amount (about 1% of the CO₂ emissions avoided by a solar energy facility compared to fossil-fuel generation facilities [see section 5.11.4 of the PEIS.]

Utility-scale solar energy production over the next 20 years may result in fewer CO₂ emissions from utilities by offsetting emissions from new fossil fuel energy sources. CO₂ emission offsets related to increased solar energy production could range from a few percentage points to more than 20% in some of the study area states if future fossil energy production were offset by solar energy. Table 6.5-22 provides a comparison of the CO₂ emissions of different generation technologies during facility operations. In the near-term, solar facilities would tend to offset facilities serving peak loads rather than baseline loads served by large fossil fuel plants. Emissions from future fossil fuel plants serving peak loads, typically natural gas-fired plants, would nevertheless be offset. The addition of thermal energy or electrical storage to solar facilities could allow offsets of baseload fossil fuel plants in the long term.

Comment Letter L
(cont'd.)

**Earthquakes and Reliability of IV Substation and grid should raise red flags.
Too much reliance on one substation--too many eggs in one basket.**

On April 5, 2010 Bloomberg Business Week included the following report on damage at the IV Substation due to the 7.2 quake on Easter Sunday 2010 (emphasis added):

"Sempra Energy, operator of the San Diego Gas & Electric utility, said its Imperial Valley transmission substation remains shut down after sustaining damage in the earthquake. The shutdown isn't affecting customers, said Stephanie Donovan, a spokeswoman for the utility, in an e-mail (<http://www.businessweek.com/news/2010-04-05/magnitude-7-2-earthquake-hits-baja-mexico-shakes-los-angeles.html>)"

New USGS forecast maps show 7.5-8.0 quake magnitudes in the project vicinity:
The DEIR/EA does mention of the new USGS forecast maps showing 8.5-8.0 magnitude in the vicinity of the project site. The 7.2 quake on Easter Sunday 2010 caused damage to the IV Substation southwest of the project site and to Drew Road in Seeley, east of the site. Drew Road is still out of service. Ocotillo residents testified on July 26 to the damage they suffered from repeated quakes since the Easter Sunday quake. The potential for seismic impact to the solar units, gen-tie lines, the Imperial Valley Substation, the existing Southwest Powerlink, the proposed Sunrise Powerlink and the proposed Southwest Transmission Partners double circuit 500 kV line has been vastly underestimated. One of the earthquake scientists interviewed reminded folks that the map's limitations include not showing most "blind thrust" faults, which produce quakes that don't break the surface. The magnitude 6.7 quake that struck Northridge in 1994 occurred on a blind thrust system that killed more than 70 people and caused about \$20 billion in damage.

Environmental Justice:

Cumulative EJ issues do exist in relation to this and other projects. Much, if not all, of the energy generated by these land, water, view, and resource consuming projects will be exported out of the economically depressed Imperial Valley along with the majority of the profits and other benefits. At the same time, most of the labor and material will be imported from outside the Valley. The current land rush is not the first time that speculators have shown up in droves with lots of dreams and promises and then abandoning the Valley just as quickly as they came leaving behind a trail of empty promises and dashed hopes.

Jobs

While several hundred temporary construction jobs are expected, only 4 full time employees and one security guard are listed for this project. Most specialized construction workers will be imported from out the area / country . In some cases, workers have been imported from distant countries to construct and maintain large-scale solar and wind energy projects as was the case on a solar farm near Las Vegas and with the Kumeyaay Wind facility on the Campo Reservation that imported workers from Spain for construction of the Spanish Gamesa turbines. They were even flown in to change the hydraulic fluid.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comment L-36:

The California Independent System Operator (CAISO) manages planning and operations of the electric power grid in California, including conducting transmission planning analysis to make sure the transmission network is robust enough to withstand contingencies such as earthquakes. CAISO has studied this project as part of their Large Generator Interconnect Process (LGIP).

<http://www.caiso.com/1791/1791bfdc382e0ex.html>.

Additionally, the proposed project is required to be constructed to current building code standards, which provides sufficient mitigation to reduce potential impacts to below a level of significance.

The EIR/EA discloses that the project contains expansive soils that are prone to liquefaction and differential settlement, but these potentially significant impacts will be reduced through seismic and pavement design, among other measures (see EIR/EA pages ES-22 to ES-23, Mitigation Measure GS1).

Response to Comment L-37:

The EIR/EA at Section 4.14, analyzed the impacts for consistency with Environmental Justice criteria and found that the Proposed Action is considered a public benefit and would not result in environmental effects to the minority population residing within and surrounding the Imperial County area. In fact, the conversion of vacant land to the solar energy facility use will generate more full time, long-term employment than the currently vacant site. See also Response to Comment L-38.

Response to Comment L-38:

The wind farms and the solar farm referred to in this comment propose, or use, very different technologies than the technology proposed for this project and therefore the anecdote is not relevant to this project.

Comment Letter L
(cont'd.)

Distributed Generation Alternative

The USEPA in its comments on the Solar Energy Development PEIS (September 8, 2009) stated that wholesale and retail distributed generation deserves further consideration. It notes that an estimated 27,000 MW potential has been identified with small-scale projects near existing power substations throughout California. The EPA further states that distributed generation benefits include fewer environmental impacts than large scale projects, reducing generation costs through reduced line loss, reduced congestion, reduced peak demand loads, which enhance the efficiency, reliability and operational benefits of the distribution system and improve the overall security of our energy supply.

Southern California Edison (SCE) has unveiled plans to install 16,300 solar panels on the roof of a 436,000sqft facility in Rialto, California: PUC Press Release: Docket A 08-03-015: Edison's 500 MW Solar Roof program: quoted Commissioner John A. Bohn, author of the decision: "This decision is a major step forward in diversifying the mix of renewable resources in California and spurring the development of a new market niche for large scale rooftop solar applications. Unlike other generation resources, these projects can get built quickly and without the need for expensive new transmission lines. And since they are built on existing structures, these projects are extremely benign from an environmental standpoint, with neither land use, water, or air emission impacts. By authorizing both utility-owned and private development of these projects we hope to get the best from both types of ownership structures, promoting competition as well as fostering the rapid development of this nascent market."

<http://solar.energy-businessreview.com/news/sce-to-install-solar-panels-in-rialto-california-100319/>

Conclusion

WE support the NO Project Alternative. NEPA requires a full EIS for the proposed transmission line project based on the significant and cumulative impacts noted above from the long list of existing, proposed and reasonably foreseeable large-scale energy, transmission, and other development projects proposed for South Western Imperial County, with a very high density of projects tied to SDG&E's Imperial Valley Substation that is located within the Yuha ACEC and FTHL MA.

This high concentration of projects not only increases negative impacts to a variety of important resources, but it decreases the reliability of the grid by placing too many power lines and energy sources in one very vulnerable location, subject to liquefaction, near numerous active faults. Backup generation will also be required. Both the BLM and Imperial County need to recognize, analyze, and address the significant and cumulative impacts documented in this and other comment letters. Alternative projects need to include local distributed generation projects that will better benefit local property owners and workers without destroying much of the rural farmland, landscapes, resources, and open space that make the Imperial Valley such a special place.

Please add my contact information to the serve list for this project on behalf of BAD, POC and ECCAC: donnatisdale@hughes.net / 619-766-4170.

Sincerely,
/s/
Donna Tisdale,

BAD President, Secretary for POC, and ECCAC member

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comments L-39:

This comment suggests that distributed generation of solar energy resources be evaluated as opposed to, or in addition to, the development of centralized, utility-scale solar energy facilities. Distributed generation refers to the installation of small-scale solar energy facilities at individual locations at or near the point of consumption (e.g., use of solar PV panels on a business or home to generate electricity for on-site consumption). Distributed generation systems typically generate less than 10 kW. Other terms for distributed generation include on-site generation, dispersed generation, distributed energy, and others.

Current research indicates that development of both distributed generation and utility-scale solar power will be needed to meet future energy needs in the United States, along with other energy resources and energy efficiency technologies (NREL 2010). For a variety of reasons (e.g., upper limits on integrating distributed generation into the electric grid, cost, lack of electricity storage in most systems, and continued dependency of buildings on grid-supplied power), distributed solar energy generation alone cannot meet the goals for renewable energy development. Ultimately, both utility-scale and distributed generation solar power will need to be deployed at increased levels, and the highest penetration of solar power overall will require a combination of both types (NREL 2010).

Alternatives incorporating distributed generation with utility-scale generation, or looking exclusively at distributed generation, do not respond to the BLM's purpose and need for agency action in the Imperial Solar Energy Center South EIR/EA. The applicable federal orders and mandates providing the drivers for specific actions being evaluated in the EIR/EA compel the BLM to evaluate utility-scale solar energy development. The Energy Policy Act of 2005 (Public Law [P.L.] 109-58) requires the Secretary of the Interior to seek to approve non-hydropower renewable energy projects on public lands with a generation capacity of at least 10,000 MW of electricity by 2015; this level of renewable energy generation cannot be achieved on that

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
JANUARY 5, 2011 (COMMENT LETTER L) (continued)

Response to Comments L-39: (cont'd.)

timetable through distributed generation systems. While the Imperial Solar Energy Center South itself would not be on public lands, BLM's action on the ROW across public land would facilitate large-scale solar energy development, in accordance with Secretarial Order 3285A1 (Secretary of the Interior 2010). Accordingly, the BLM's purpose and need for agency action in this EIR/EA is focused on the siting and management of utility-scale solar energy development on public lands. Furthermore, the agency has no authority or influence over the installation of distributed generation systems, other than on its own facilities, which the agency is evaluating at individual sites through other initiatives.

Response to Comments L-40:

Please refer to Response to Comment L-39.

Response to Comments L-41:

Support for the No Project Alternative is noted. Please refer to Response to Comments L-1 to L-40 in response to the conclusion comments.

Response to Comments L-42:

Comment noted. Your contact information will be added to the notice list for this project.